



Sr. No.105+209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4810-2023 (O&M)
Reserved on: 23rd April 2024
Date of decision: 18th May, 2024

AMIT ALIAS PARIMAL KUMAR SHAHIPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Durgesh Singh, Advocate;
Mr. Saurabh Upadhyay, Advocate and
Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

Mr. Yaseen Sethi, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.281 dated 27.05.2022, under Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 506 IPC, 1860, registered at Police Station Sector-10, District Gurugram (Annexure P-1).

2. Learned counsel for the petitioner *inter alia* contends that investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. No useful purpose would be served by keeping the petitioner in custody since all the material witnesses have been examined during the trial. Statements of the material witnesses are annexed as Annexures P-2 and P-3.



3. On the other hand, the learned State counsel has opposed the present petition on the ground that the prosecutrix is minor and the allegations levelled against the petitioner are serious in nature.

4. I have considered the aforesaid contentions and perused the paper book.

5. As per the prosecution case, on 27.05.2022, on receiving an information from the hospital regarding admission of a girl child, aged about 12 years, with the history of five months of pregnancy, the Investigating Officer reached the hospital and got registered the present FIR against the petitioner on the basis of a written complaint submitted by the mother of the child victim. The complainant alleged that on 27.05.2022, at about 08:00 PM, the child victim made a complaint of abdominal pain and started vomiting. She was taken to the hospital, where she was declared to be 05 months' pregnant. Upon inquiry, the child victim (daughter of the informant), disclosed that the petitioner, who is living in the neighbourhood of the prosecutrix, used to commit rape upon her in the absence of her mother.

6. Though the petitioner is in custody and investigation is complete, however, the age of the child victim is 12 years. She was found to be 05 months' pregnant at the time of registration of the FIR. The petitioner has relied upon the affidavit of the parents of the prosecutrix (Annexure P-5) stating that their daughter was in love with the petitioner at the time of the incident and wanted to marry the petitioner, as such, they do not want to proceed with the present case.

7. Keeping in view the age of the petitioner (25 years) and the age of the child victim (12 years), it is not a fit case to release the petitioner on regular bail at this stage. The veracity of the statement of the prosecutrix, the medical evidence as



well as the challenge raised by the petitioner to the age of the child victim is a matter of trial. The offence alleged to have been committed by the petitioner is serious in nature. There is apprehension of absconding of the petitioner in case he is released on bail, as such, it is not a fit case to release the petitioner on regular bail.

8. Consequently, the present petition stands dismissed.
9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18th May, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No