

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.107730



CRM-M-41141-2023 (O&M)
DATE OF DECISION : 21.08.2024

AMARJEET SINGH ... PETITIONER
V/S
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashish Sanghi, Advocate for the petitioner.
Mr. Amrik Singh Narwal, D.A.G., Haryana.
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HARPREET KAUR JEEWAN, J. (ORAL)

1. Petitioner is seeking regular bail in case bearing FIR No. 108 dated 25.05.2021 under Sections 450, 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, registered at Police Station Women NIT, District Faridabad, Haryana.
2. Custody certificate dated 20.08.2024 has been taken on record.
3. Learned counsel for the petitioner contends that as per the medico-legal examination, there was no mark of external injury on the person of the victim. As per the FSL report, semen could not be detected in the vaginal swabs of the victim. The petitioner is in custody since 30.01.2022. The statement of the prosecutrix has already been recorded.
4. Learned State counsel has opposed the bail application submitting that the allegations against the petitioner are serious in nature. The age of the victim was 17 years and 5 months at the time of alleged occurrence, as per the School certificate (Annexure R-5), where her date of

informed that the petitioner is involved in another FIR No. 60 of 2019 under Sections 146, 147, 148, 307, 332, 353, 506 IPC at Police Station Karimmuddinpur, Gajipur, U.P, and the said case is pending adjudication before the Additional District Judge, Ghazipur, U.P.

5. I have considered the aforesaid submissions.

6. No doubt the petitioner is in custody for a long time. However, the age of the prosecutrix is 17 years whereas the petitioner is 26 years of age. There is history of another case having been registered against the petitioner in U.P. As per the medico-legal report (Annexure R-1), the victim has history of sexual assault by the petitioner on 22.05.2021. In her statement recorded during the trial, the victim has prima facie supported the allegations of penetrative sexual assault. The offence alleged to have been committed by the petitioner is serious in nature.

7. Without expressing any opinion on the merits of the case and keeping in view the previous history of the petitioner having criminal antecedents, the present bail application is declined.

8. However, keeping in view the long custody of the petitioner, the trial Court is directed to expedite the trial and decide the same preferably within a period of 7 months upon receiving the copy of this order.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

21.08.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**