

2024-PHHC-149495

CRM-M-41917-2023 (O&M)
DATE OF DECISION : 14.11.2024BALWINDER SINGH
V/S

... PETITIONER

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jagjit Singh Gill, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. D.S.Virk, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Petitioner is seeking regular bail under Section 439 Cr.P.C. in case bearing FIR No 28 dated 18.01.2022 under Sections 363, 366-A IPC (Sections 6 and 17 of Protection of Children from Sexual Offences Act, 120-B, 376(2)(n), 376(3), 201, 467, 468, 471, 420 IPC added later on) registered at Police Station Rania, District Sirsa.

2. I have heard the counsel for the parties and perused the paper-book including the status report filed on behalf of the State.

3. The age of the victim was 15-1/2 years at the time of alleged occurrence. She allegedly left the house in January, 2022 and was recovered on 25.05.2022. The case was registered at the instance of the father of the prosecutrix who reported the matter to the Police that on 18.01.2022 at about

6 A.M. when he got up, his daughter was not there. It was also reported that about 1-1/2 tola of gold ornaments and Rs.20,000/- cash lying in the house was also taken away. After the recovery of the prosecutrix, her statement under Section 164 Cr.P.C. was recorded on 26.05.2022 (Annexure P-3). In the said statement, she submitted that she has performed marriage with the petitioner. The statement made by her reads as under:-

“Q: Your name, age and occupation?”

Ans: Kajal, 16 years, house hold

Q: What you want to say?

Ans: I had performed marriage with Balwinder. I am going to become mother of his child. I performed marriage with Balwinder in Village Shivpuri Lakhnow. I want to live with my husband, my husband can tell about the place of marriage. I do not want any action against my husband.”

4. As per the statement of the prosecutrix recorded as PW-1 by the trial Court (Annexure P-4), though the prosecutrix stated that she has solemnized marriage with the petitioner in Kanpur. However, she further stated that when she became pregnant, they wanted more money and they went to sell the ornaments but the goldsmith informed that the ornaments are not genuine. Then she came to know that petitioner has even exchanged the original gold ornaments with duplicate ornaments.

5. As per the status report dated 19.03.2024, on the basis of the application, the learned Addl. Sessions Judge, Sirsa passed an order dated 20.06.2022, in compliance of which, a medical Board was constituted and the pregnancy of the victim was terminated in Maharaja Aggarsain Medical

College, Agroha. As per the FSL Madhuban report dated 27.07.2022, the DNA examination of the petitioner matched with the fetus.

6. Keeping in view the age of the victim as 15-1/2 years and the aforesaid facts and circumstances, no ground is made out to release the petitioner on regular bail. Consequently, the present petition stands dismissed.

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

14.11.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No