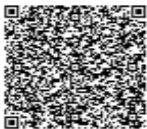


CRM-M-44944-2023 (O&M)

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
106 AT CHANDIGARH

2024:PHHC:120402



CRM-M-44944-2023 (O&M)
DATE OF DECISION : 11.09.2024

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

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. P.K.Ganga, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana assisted by
ASI Madan Lal.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-26768-2024

1. Application filed by the petitioner for placing on record the copy of testimony of the victim (PW1) as Annexure P-9 is allowed and the same is taken on record, subject to all just exceptions.
2. Registry to tag the same at the appropriate place.

Main case

3. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 0097 dated 22.06.2021 under Sections 363, 366-A IPC (Sections 376(2)(n), 328, 506 IPC and Section 6 of Protection of Children from Sexual Offences Act added later on) registered at Police Station Odhan, District Sirsa.
4. Learned counsel for the petitioner contends that the role of the petitioner is only that he was called by the prosecutrix. The main allegations

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are against accused Kamaljit Kaur @ Manni and Prem Singh. Petitioner has only helped the prosecutrix. He is in custody for a period of 3 years, 01 month and 01 day. The trial is at the initial stage as after the summoning order under Section 319 Cr.P.C. of the additional accused was passed, only examination-in-chief of the prosecutrix has been recorded.

5. Learned State counsel has opposed the bail application on the gravity of allegations.

6. I have perused the record and considered the aforesaid contentions.

7. It is not disputed that the prosecutrix is minor and her age is 17 years and 2 months. The FIR was registered on the basis of the statement of the father of the prosecutrix, who has reported missing of his minor daughter to the police and further raised the doubt that Kuldeep Singh (present petitioner) is involved in the matter. He also reported that mobile phone of the prosecutrix is having the call details with the petitioner. The allegations were also levelled against the co-accused of the petitioner.

8. As per the status report, during the investigation of the case, the prosecutrix was recovered on 30.06.2021 from Shri Ganga Nagar, Rajasthan. In her statement recorded under Section 164 Cr.P.C., she has stated that on 21.06.2021, when she was standing in front of her house, Manni and Prem, co-accused of the petitioner came there and took her to Ganga Nagar and on the way she became unconscious. When she re-gained consciousness, she made a phone call to her parents but could not talk to them. Then she made a phone call to the petitioner, who took her to the house of his maternal uncle and from there she was taken to Anoopgarh. As per the statement of the prosecutrix recorded during the trial (Annexure P-9), PW-1 prosecutrix

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has narrated the entire occurrence and elaborated the version given in the statement recorded under Section 164 Cr.P.C. She has categorically stated that on 30.06.2021, the Police reached the house of Kuldeep (petitioner) and recovered her from there vide memo Ex.P1. She was taken to the Police Station at Rajasthan. As per her medical examination, she has given the history, reflecting that she was unconscious at one point of time. She has also disclosed about giving intimation to petitioner-Kuldeep in the said hospital. As per the medico-legal report, sealed parcel containing a salwar and underwear was sent for examination. As per the report of Regional Forensic Science Laboratory, Hisar (Annexure P-4), human semen was detected on the clothes of the victim. As per the report of Regional Forensic Science Laboratory, Madhuban, Karnal (Annexure R-5), DNA/blood sample of the accused Kuldeep Singh-petitioner (item No.6) matched with the clothes of the victim (item No.2A).

9. Keeping in view the manner in which the offence has been committed, the age of the victim and the scientific evidence against the petitioner, the allegations against the petitioner are serious in nature, petitioner is not entitled for grant of bail. However, keeping in view the fact that petitioner has already undergone a long incarceration, the trial Court is directed to expedite the trial and conclude the same within a period of 6 months from today.

10. Disposed of accordingly.

11.09.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No