



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-62205-2023 (O&M)

Date of Decision: 13.11.2024

Deepender alias Deepu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

Prayer in the first Petition under Section 439 Cr.P.C. is for grant of concession of regular bail in case FIR No.0037, dated 06.03.2023 under Section 6 Protection of Children from Sexual Offence Act, 2012, (Later on added Section 506 of Indian Penal Code, 1860 and Section 10 of Protection of Children from Sexual Offence Act, 2012) registered at Police Station Women, NIT, District Faridabad Haryana,

Vide order dated 7.5.2024 on oral request of learned counsel for the petitioner, the complainant and victim were ordered to be impleaded as respondents No.2 and 3 respectively and notice of motion was issued to them. Vide last order dated 08.08.2024 passed by this Court, learned counsel for the petitioner was directed to file amended memo of parties in the Registry in terms of previous order dated 07.05.2024. The same has not been filed till date. Office Report further shows that amended memo of parties has not been filed and notice could



not be issued to respondents No. 2 and 3 for want of process fee. Even today, none appears on behalf of the petitioner.

Perusal of the file reveals that present FIR was registered on the basis of the statement made by the mother of 4-year-old victim, wherein it has been stated as under:-

“Statement of Savita Sharma wife of Sh. Bhanu Pratap Sharma resident of Village Wazidpur Tehsil Khor Zila Aligarh currenting living as tenants at House No.1889/1, Jawahar Colony, Faridabad, aged about 32 Years, Mobile No.9718725183, has stated that I stay in the above said address. I stay at the above said address with my husband and two daughters. My name of my elder daughter is XXXX aged about 4 years and the name of my second daughter is Pihu aged about 1.5 years. On 25th February 2023, my husband was not at home and I was working in the kitchen. Next to my room there are two other rooms on rent, where Ram Avtar Meena, Hemlata Meena resides along with their nephew Deepender Alias Deepu on rent. My Daughter XXXX often used to go and play at Ramavtar's house. On 25th February 2023, went to play at Ram Avtar's house to play and when she did not return for a longtime, I called by daughter XXXX by calling her name, then after sometime my daughter was coming out from their house, she came and sat in her room. And after 2/3 hours when she went to the bathroom she was crying in pain. When I asked, she said that Deepu Bhaiya has touched my private part and, in the room, he removed my pant and inserted finger in my private part. And he did misdeed with me, this is been told to me by my daughter XXXX. I got really scared and I told the entire thing to my husband when he returned. Then I and my husband went to the room of Deepu and scolded Deepu, so



he started stalling the conversation and at that time MAMA and mami of Deepu were not at home which is why I and my husband came back home in anger. I and my husband were extremely shocked by this incident because my husband often stayed out of the house and my daughter is so young, we were not able to understand whether we should complain or not. But after a lot of thinking, today on 06.03.2023, we all have visited Women Police Station NIT, Faridabad to complain so that what has happened with our daughter that should not happen with anyone else. I am making this statement consciously with understanding. Strict Action should be taken against Deepu. Statement given, read and heard and which is correct.”

Learned counsel for the State files custody certificate dated 12.11.2024 in Court today, which is taken on record, as per which, the petitioner has undergone the custody period of 1 year, 8 months and 3 days as an undertrial.

Learned counsel for the State, on instructions from L/SI Seema, informs this Court that the challan in the present case was filed on 21.03.2023; charges were framed on 29.05.2023; and out of 16 witnesses, 2 witnesses stand examined. It is submitted that the victim in her testimony as PW1, as also in her statement under Section 164 Cr.P.C. has supported the prosecution case. The complainant/mother of the victim as PW2 in her examination-in-chief has supported the prosecution case. However, her cross-examination is yet to be conducted.

In view of the facts as noticed above, present petition stands dismissed.



Pending application, if any, stands disposed of.

13.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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