



Sr. No.218

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-62994-2023

Date of decision: 30th September 2024

SAHIL

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Satnam Singh Sishodia, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by SI Bhagwan.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.282 dated 21.04.2023, under Sections 363, 366-A IPC, 1860 (Section 376-D IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, added later on), registered at Police Station Assandh, District Karnal (Annexure P-1).
2. The present FIR has been registered at the instance of the maternal aunt of the prosecutrix with the allegations that her niece, who was residing with her, was enticed away by the co-accused of the petitioner namely Inderjit Singh and his friends. The petitioner is alleged to have taken away the prosecutrix from the house of her maternal aunt on 21.04.2023 at 10:00 AM. After registration of the FIR, the prosecutrix was recovered on 24.04.2023 and her statement under Section 164 Cr.P.C. was recorded on 25.04.2023 by the Sub-Divisional Judicial Magistrate, Assandh.



3. Learned counsel for the petitioner contends that the petitioner is in custody for more than 01 year and 03 months. Out of total 22 prosecution witnesses, none has been examined so far.

4. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

4.1 Learned State counsel has filed affidavit of Sh. Mohit Handa, IPS, Superintendent of Police, Karnal, dated 29.09.2024, on behalf of respondent-State of Haryana as well as custody certificate of the petitioner dated 26.09.2024, reflecting his period of custody as 01 year 03 months and 02 days, which are taken on record.

5. I have heard the learned counsel for the parties and perused the relevant documents.

6. The prosecutrix has specifically named the petitioner-Sahil and his co-accused Inderjit in her statement recorded under Section 164 Cr.P.C. She has categorically stated that on 21.04.2023, the petitioner and his co-accused Inderjit had taken her along with them as she was having friendship with them. However, both the petitioner and his co-accused administered intoxicants to her and she was dropped back to her house on 24.04.2023. She was not aware as to what had been done with her.

7. As per the status report dated 20.02.2024, the medical examination of the prosecutrix was conducted on 26.04.2023 and before that, her statement was also recorded in the presence of the Legal Aid Counsel on 25.04.2023 (Annexure R-2), wherein, she has stated that she was given intoxicating substance and in that condition, she was repeatedly raped for many days and she was also bleeding.



8. As per the school records, the date of birth of the prosecutrix is 01.04.2014, as such, she was 14 years of age at the time of alleged occurrence. The statement of the prosecutrix is yet to be recorded during the trial.
9. The prosecutrix is of a tender age and she was earlier known to the petitioner. There is apprehension of tampering with the prosecution evidence in case the petitioner is released on bail. As such, keeping in view the aforesaid facts and also in view of the allegations that both the petitioner and his co-accused had taken away the minor prosecutrix from the lawful custody of her maternal aunt and she was sexually abused for many days, no ground is made out to release the petitioner on bail at this stage.
10. Consequently, the present petition stands dismissed.
11. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30th September 2024
simran

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