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

CRM-M-1199-2025

Date of Decision:- 02.04.2025

JAVVAR SINGH**....Petitioner****Vs.****STATE OF HARYANA****...Respondent****CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

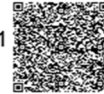
Present:- Mr. Anmol Sharma, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant 2nd petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.271 dated 01.05.2024 under Sections 376, 376 (3) of IPC and Section 6 of POCSO Act, 2012 registered at Police Station Chandni Bagh, District Panipat.

2. Facts of the case are, Constable Vijay No.1306/Panipat posted as Security Agent in Police Station Chandni Bagh, Panipat received information from secret source on 30.04.2024 that a girl aged about 13 years was subjected to rape i.e. the victim 'SK'. EASI Madan, Incharge, ERV 538 also reached at the disclosed place in response to call received by dialing 112. Elder sister of the victim met on the spot. Information was reliable and on the basis of which present FIR was registered. During the course of



investigation, victim was recovered. Her statement was recorded under Section 164 Cr.P.C. She was medically examined. Petitioner was arrested in this case on 06.05.2024.

3. Learned counsel for petitioner argued that all allegations levelled against petitioner are false. There is delay in lodging the FIR. No complaint was lodged by the victim. Without proper appreciation of the facts of the case, regular bail application filed by petitioner was wrongly declined by learned Additional Sessions Judge, Fast Track Court (POCSO), Panipat vide order dated 08.10.2024 (Annexure P-2). Medical record of the victim is Annexure P-3 where she did not name the present petitioner. During the proceedings of the trial, statement of the victim and her mother are recorded as PW1 and PW2 (Annexure P-4 and P-5 respectively) where they have not levelled any allegations against the present petitioner. Petitioner is behind the bars since long. He is ready to abide by the terms of bail order. It is submitted that his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed. It is pointed out that victim is minor and is less than 15 years. Her medical record is Annexure R-1. As per ossification test of victim (Annexure R-2), she was found between the age of 13 to 15 years. On dental examination, her age was found between 12 to 14 which is Annexure R-3. Mental health of the victim was examined by Institute of Medical Health, UHS, Rohtak according to which she is suffering from mild intellectual disability with 50% intellectual impairment. Mental health report is Annexure R-4. Statement of the victim was recorded under Section 164 Cr.P.C. (Annexure R-5) where she has levelled specific



allegations against petitioner. As per FSL report (Annexure R-6), human semen could not be detected on the Exhibits etc. whereas DNA report is still awaited. As per FSL report (Annexure R-6), blood was detected on the 'Exhibit-1' and 'Exhibit-2'. Therefore, considering the gravity of offence, petitioner is not entitled to the relief of regular bail.

5. I have considered the arguments and have gone through the record carefully. Statement of the victim recorded under Section 164 Cr.P.C. is Annexure R-5. Victim is allegedly suffering from mild intellectual disability with 50% intellectual impairment. Victim as PW1 and her father as PW2 (Annexure P-4 and P-5 respectively) did not support the prosecution case. However, other connecting evidence is still awaited. Till date DNA report has not been received, therefore, considering the totality of the facts and circumstances of the case, at this stage, I do not find a fit case for grant of regular bail and the same is accordingly declined.

02.04.2025

*snd***(AMARJOT BHATTI)
JUDGE**

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