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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21563-2024 (O&M)

Date of Decision:- 05.02.2025

Surender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Surender Singh has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 2 dated 03.01.2023 under Section 120-B/506/376(2)(n)/450 of IPC and Section 5, 16, 17, 6, 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Thanesar Sadar, District Kurukshetra, Haryana.

2. As per facts of case, victim age about 17 years filed written complaint levelling allegations against her mother Sunita Devi that she forced her to do illegal act with others i.e. her lover namely Kimit Dhillon and her brother-in-law Surender i.e. present petitioner. She was forced to indulge in such activities by her mother time and again. She got pregnant and abortion was got done. She is also extending threats to kill her. Being fed up, she disclosed everything to her father and filed present complaint.



3. Learned counsel representing petitioner denied allegations levelled by said victim. It is pointed out that challan in this case is already presented. Statements of said victim and her father are already recorded. Version put forward by prosecution is not supported by medical record. Learned counsel for petitioner referred to bail order of Sunita Devi who has been granted bail in CRM-M-42893-2023 vide order dated 18.11.2024. On the ground of parity, learned counsel for petitioner prayed for regular bail for present petitioner Surender Singh.

4. Status report is filed and regular bail to petitioner is opposed by learned State counsel assisted by learned counsel for complainant. It is pointed out that on completion of investigation, challan was presented and recording of prosecution evidence is in progress. Out of 15 prosecution witnesses, 4 witnesses have been examined. Prosecutrix and her father fully supported their case. Prosecutrix had filed application under Section 319 Cr.P.C. which has been dismissed by trial Court vide order dated 06.11.2023 (Annexure R-9). Considering the gravity of offence, present petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record. Facts narrated above clearly indicates that prosecutrix was forced to indulge in illegal activities as detailed in FIR. Victim was minor when she allegedly got pregnant and abortion was done. She approached her father and filed complaint with police. Learned counsel for petitioner has annexed statement of victim recorded under Section 164 Cr.P.C. (Annexure P-4) and statement of victim recorded as PW-1 (Annexure P-7), where she confirmed the allegations levelled by her. Father of victim is also examined

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as PW-3. Prosecution evidence is going on. Considering the gravity of offence, I do not find it appropriate to grant regular bail to petitioner Surender Singh and same is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

05.02.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No