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

CRM-M-48984-2024

Date of Decision:-15.02.2025

Gurdev @ Gurjant

...Petitioner

Vs.

State of Haryana and Anr.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aman Mittal, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Gurdev @ Gurjant has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.80 dated 13.05.2023, under Sections 376(2)(n), 376(3) and 34 of IPC and Section 6 of POCSO Act (Section 365 of IPC was deleted later on), registered at Police Station Guhla, District Kaithal (Annexure P-1).

2. As per the facts of case, initially Balram Yadav complainant gave missing report of his daughter i.e. victim on 13.05.2023 alleging that she left the house at about 12:30 afternoon without informing anybody. Accordingly, FIR was registered under Section 365 of IPC at Police Station Guhla, District Kaithal.

As per the detail given in the status report, medical ruqa was received on 14.05.2023 from Rajindra Hospital, Patiala regarding arrival of

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victim approximately at 11:32 PM on 13.05.2023 with the alleged history of sexual assault by known person at home. The patient was advised to get admission in labour room but she refused. Information was given at child helpline and thereafter Amandeep Kaur and Pooja came being team members of Child Helpline and the victim was sent along with them. Statement of the victim was recorded under Section 161 Cr.P.C. on 15.05.2023 offence under Sections 376(2)(n), 376(3), 34 of IPC and Section 6 of POCSO Act were added and offence under Section 365 of IPC was deleted. Medical examination of the child was conducted by CHC Guhla on 15.05.2023. Copy of MLR is Annexure R-1. Opinion of the doctor was received that possibility of sexual intercourse cannot be ruled out. Statement of the victim was recorded under Section 164 Cr.P.C (Annexure R-2) by Illaqa Magistrate, Guhla in which she levelled allegations of repeated rape against her father Balram and Gurdev @ Gurjant (present petitioner). At present after completion of investigation challan is presented and the accused are facing trial.

3. Learned counsel for petitioner argued that trial is going at a slow pace. He is in custody since 18.05.2023. Allegations levelled against him are false. Statement of prosecutrix has been recorded. He is ready to abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report is already filed.

5. I have considered the arguments and have gone through the record carefully. As per the facts referred above, the victim was sexually

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exploited repeatedly by her own father-Balram as well as present petitioner-Gurdev @ Gurjant who was residing in neighbourhood. The victim is minor. She came to Rajindra Hospital, Patiala on her own and thereafter investigation started in this case. As per status report, date of birth of victim is 10.08.2006. Challan is already presented on 25.07.2023 and after framing of chargesheet, recording of evidence is under progress. Out of 20 prosecution witnesses, 11 witnesses have been examined which shows that the trial is going at a good pace. The prosecutrix examined as PW-1 has supported her version. Copy of her statement is Annexure R-5. At present, victim is staying at Nari Niketan, Karnal.

6. Considering the gravity of offence, I do not find a fit case for grant of regular bail and the same is accordingly declined.

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

15.02.2025

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No