

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

CRM-M-29755 of 2019.

Decided on:- July 16, 2019.

Deepak Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kulwant Singh Dhanora, Advocate
for the petitioner.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.257 dated 03.06.2019 under Sections 354, 354-A, 354-D, 294, 509 and 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Police Station Barwala, District Hisar.

The aforesaid FIR was registered at the behest of the prosecutrix, who is aged about 14 years and is a student of 9th class. As per the FIR, the petitioner is a neighbour of the prosecutrix and used to follow her for the last many days. As and when the prosecutrix used to go to her *Bara* from her house at about 04.00 P.M. in the evening so as to drop cow-dung, the petitioner used to follow her daily. The petitioner not only used to give dirty gestures, but also used to utter indecent words. On 02.06.2019, at about 04.00

P.M., when the prosecutrix was going to drop cow-dung, the petitioner followed her and finding her alone, he caught hold of her hand with bad intention. When the complainant tried to rescue herself, he gave a blow with his hand on her breasts and tried to tear her shirt. However, when the prosecutrix shouted for help, the petitioner pushed her due to which she fell on the ground. The petitioner threatened her that in case she will disclose it to anybody else, the prosecutrix and her family would be killed. After reaching home, she narrated the incident to her father, which formed the basis of registration of the present F.I.R.

Learned counsel for the petitioner has argued that the petitioner had made a complaint to the police on which DDR No.26 dated 03.06.2019 (Annexure P-2) was recorded. As per the DDR, on 02.06.2019 at about 06.00 P.M., when the petitioner was playing cricket in the outer area of the village and came back after playing the game, Vikas son of Satbir, Subhash son of Ram Kumar, Satyawar son of Ram Kumar, Pawan son of Amilal, Ashok son of Amilal and Kela Devi wife of Pappu Ram came and gave slaps and fist blows to him. The petitioner was injured and got six injuries. He was admitted in a hospital at Barwala and in this manner, the petitioner has intentionally been dragged in the present case. The petitioner had received multiple injuries and was hospitalised in CHC, Barwala. Therefore, the present FIR was registered at the behest of the prosecutrix in order to counter the incident registered at the behest of the petitioner, otherwise, the petitioner is innocent and has falsely been implicated in the case.

I have heard learned counsel for the petitioner.

The allegations against the petitioner are that he used to follow the victim as and when she used to go towards the *Bara* to throw cattle-dung. He used to follow her and to make sexually coloured remarks by gestures. He also used to comment filthy language. He even caught hold of the prosecutrix and pushed her due to which she fell on the ground. He put his hand on her breasts with bad intention and tried to tear her shirt. Thus, the allegations levelled against the petitioner being serious in nature, this Court finds that no ground is made out for grant of anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

July 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No