

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-61838 of 2018 (O&M)

Date of Decision: 10.04.2019

SAMAD HUSSAIN

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

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

Present:- Mr. Sumit Jain, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.244 dated 29.05.2018 under Section 6 of the POCSO Act and Section 506 IPC registered at Police Station Badshahpur, District Gurugram.

Learned counsel for the petitioner has argued that there is contradiction in the statements of the victim and the complainant (mother of the victim). Even the medical record does not support the case of the prosecution. The complainant, her husband and the prosecutrix, who are the relevant witnesses, have not been examined

so far. Considering the fact that the petitioner is in custody since 30.05.2018 and no useful purpose will be served to keep him behind bars, particularly when the prosecution evidence will take long time to conclude, the petitioner be released on bail.

On the other hand, learned State counsel, on instructions from ASI Raju, submits that in the statement made by the victim under Section 164 CrPC is consistent. The prosecutrix is about 9 years of age. She has been medically examined in the case. There were injuries and bleeding on her private parts, which has been duly established as per the medical record.

I have heard learned counsel for the parties.

The allegation against the petitioner is that he has committed the offence under Section 6 of the POCSO Act. The statement of the prosecutrix, who is nine years of age, recorded under Section 164 CrPC, is quite consistent. The allegations levelled against the petitioner being serious, no case for regular bail is made out.

Accordingly, the present petition is dismissed.

April 10, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No