

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

CRM-M-1471-2020(O&M)

Date of decision : 07.10.2020

Krishan Sharma

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Parminder Pal Singh Thethi, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.126 dated 07.07.2019 under Sections 377 and 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bass, District Hisar (Annexure P-1).

The FIR had been registered on the complaint of the father of the victim, namely, Virender Kumar. As per the allegations, the father of the victim left his son, who is about 13 years and 6 months' old, at Rati Ram Academy, Village Sorkhi, District Hisar for boxing coaching. It was further alleged that the victim came to the house on 25.06.2019 and when he was about to leave for the Academy, his son started weeping, upon which the father asked his son the reasons for his crying. Thereafter, the child told his father that his coach, namely, Krishan Sharma, petitioner herein, was committing wrong acts by threatening

him. The child is alleged to have stated to his father that on 14.04.2019, the petitioner had committed wrong acts with him for the first time and till now he committed wrong acts with him four times and one time he put his private parts in his mouth. The said acts are alleged to have been committed by the petitioner in the academy. It was further the allegation that the petitioner also threatened the child that he would kill him if he discloses the incident to anyone.

Learned counsel for the petitioner has contended that the case of the Prosecution is neither supported by the findings in the MLR or the FSL Report. Learned counsel for the petitioner has further relied upon the testimony of the victim to contend that the testimony of the victim itself does not support the story of the Prosecution. Learned counsel for the petitioner would further contend that the father of the victim had stayed in the Academy on two occasions in the month of June and the victim did not disclose anything to his father. It has further been contended by learned counsel for the petitioner that even the victim did not disclose anything to his cousin, who is also staying with the victim in the same room of the Academy, and hence the story put up by the Prosecution is unbelievable.

Ms. Dimple Jain, AAG, Haryana, appearing on behalf of the State has stated that the testimony of the victim, who is a minor of 13 years of age, fully supports the case of the Prosecution and the minor contradictions which have been pointed out by learned counsel for the petitioner cannot be treated as not supporting the case of the Prosecution.

I have heard both learned counsel representing the parties.

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In the present case, serious allegations have been made against the petitioner of having committed offences under Section 377 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012. The victim is a minor child of 13 years of age. At this stage, minor contradictions, if any, in the testimony of the minor victim, cannot be taken advantage of by the petitioner by making it a ground for grant of bail. Further, the allegation is that un-natural sex was committed four times by the petitioner and one incident had taken place on 14.04.2019. Nothing much is expected in the MLR which was conducted on 07.07.2019 and the FSL Report thereafter. The grave allegation against the petitioner cannot be lost sight of even if there are minor contradictions in the testimony of the victim.

In view of the above and without commenting on the merits of the case, I do not deem this to be a fit case for grant of regular bail to the petitioner and, hence, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

07.10.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO