

CRM-17391-2020 in/and  
CRM No. M-10308-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(102) CRM-17391-2020 in/and  
CRM No. M-10308-2020  
Date of decision: - 27.07.2020

Rohtash

....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present:- Mr. Sunil Kumar Goswami, Advocate  
for the applicant-petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

Mr. Deepak Vashishth, Advocate for the complainant.

(presence marked through video conference)

\*\*\*

**HARSIMRAN SINGH SETHI, J. (ORAL)**

File has been taken for hearing through video conference  
due to Covid-19 pandemic.

**CRM-17391-2020**

Present application has been filed for preponement of CRM  
No. M-10308 of 2020, which is adjourned for 25.08.2020.

Counsel for the applicant-petitioner prays that the hearing of  
the petition, which is adjourned for 25.08.2020 be preponed to today.

Notice of the application to the counsel opposite.

Mr. Munish Sharma, learned Assistant Advocate General,  
Haryana, who appears through video conference, accepts notice on behalf

of the respondent-State and raises no objection for preponement of the hearing of the present petition to today.

Keeping in view the above, the aforesaid application is allowed. The hearing of CRM No. M-10308 of 2020 is preponed to today and the same is taken up for hearing.

**CRM No. M-10308-2020**

Present petition has been filed under Section 439 Cr.P.C. For the grant of regular bail to the petitioner in respect of FIR No. 233, dated 17.07.2019, under Sections 363, 366-A IPC, Section 6 of POCSO Act and Section 3(2)(V) of Scheduled Caste and Scheduled Tribe Act, registered at Police Station Jind Sadar, Tehsil and District Jind, Haryana.

Learned counsel for the petitioner argues that petitioner has been falsely implicated in the present case only to extract money from him. Learned counsel further argues that the statement of the prosecutrix recorded under Section 164 Cr.P.C. does not show that the petitioner has abducted the prosecutrix rather, the prosecutrix had gone with him as per her own free will without there being any pressure from anyone.

Learned State counsel argues that petitioner sexually assaulted the prosecutrix, who is a minor and, therefore, as there are serious allegations alleged against the petitioner, he is not entitled for the grant of regular bail.

Learned counsel for the complainant, who appears through video conference, submits that prosecutrix has already been examined and she has clarified that her statement recorded under Section 164 Cr.P.C.

was under duress and threat and further, she was sexually exploited by the petitioner, which fact was proved by the medical examination.

I have heard learned counsel for the parties and have gone through the record very carefully.

In the present case, allegations against the petitioner, who is a married person, relates to sexually assaulting a minor girl. These allegations are grave. The prosecutrix has already clarified about her statement recorded under Section 164 Cr.P.C. that the same was given under duress and threat.

That being so, once the allegations against the petitioner are grave, no ground is made out to grant the petitioner the concession of bail at this stage, especially, when the examination of the prosecution witnesses is going on.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 27, 2020  
*kanchan*

( HARSIMRAN SINGH SETHI )  
JUDGE

*Whether reasoned/speaking?*  
*Whether reportable?*

*Yes/No*  
*Yes/No*