

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

108

**CRM-M-16065-2020 (O&M)
Decided on : 18.09.2020**

Lal Chand

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. J.S. Hooda, Advocate,
for the petitioner(s).

Mr. Apoorv Garg, DAG, Haryana
assisted by ASI Sunil.

MANJARI NEHRU KAUL, J. (Oral)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The second petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 175, dated 07.11.2019, under Section 452 IPC and Section 8 of the POCSO Act, 2012, registered at P.S. Women District Mewat.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case at the behest of the police. There is no material on record to show his involvement in the crime in any manner whatsoever. He further contends that in the statement of the prosecutrix recorded under Section 164 Cr.P.C., nothing incriminating has been deposed against the petitioner coupled with the fact that the MLR of the prosecutrix does not indicate any injury on her person, which lends credence to his false implication in the crime in question. Accordingly, a prayer has thus been made for concession of regular bail to the petitioner, as

the petitioner has been in custody since 07th November, 2019 and there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the contentions of the learned counsel for the petitioner, has submitted that there are serious allegations against the petitioner and the co-accused, which are detailed in the FIR and stand corroborated with the statement of the prosecutrix recorded under Section 164 Cr.P.C.

Heard.

On a consideration of material and circumstances on record, I find the contentions of the learned counsel for the petitioner bereft of any merit. It is evident from the contents of the FIR and other material on record that while the prosecutrix, aged 13 years was all alone in her house on 06th November, 2019 at about 07:00 P.M., the petitioner and other co-accused entered her house and forcibly lifted her with a view to abduct her and while they were taking her out of the house, she raised an alarm, which attracted the neighbours, who then rushed to her rescue. In the process all the accused except the petitioner, managed to escape and the petitioner was apprehended on the spot by the neighbours. In her statement recorded under Section 164 Cr.P.C., the prosecutrix further deposed that her clothes were torn in the occurrence in question while she was being forcibly lifted by the petitioner and other accused. There is nothing either in the FIR or in her statement recorded under Section 164 Cr.P.C. to the effect that the prosecutrix received any injuries in the occurrence in question, hence, the contention of the learned counsel for the petitioner that the absence of any injuries in the MLR lends credence to his false implication in the crime in

In the circumstances, no ground is made out to extend the concession of regular bail to the petitioner. Accordingly, the present petition stands dismissed. However, anything observed hereinabove shall not be construed to be as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 18, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*