

CRM-M-21738-2020

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

CRM-M-21738-2020 (O & M)

Date of decision: 29.09.2020

Shiv Kumar @ Raju

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Harsh Goyal, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

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This is an application under Section 482 Cr.P.C. for early hearing of the main petition, which is fixed for 09.12.2020.

Notice of the application.

On the asking of this Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana, accepts notice on behalf of the respondent-State, and states that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the main petition is preponed to today, itself and taken up on Board for hearing.

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Allowed as prayed for. Annexure P-4 is taken on record,
subject to all just exceptions.

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Through this petition, the petitioner seeks regular bail in case FIR No.168 dated 18.03.2020, registered at Police Station Ambala Cantt., under section 10 of the Protection of Children from Sexual Offences Act, 2012.

As per the case of prosecution, son of the complainant was sexually assaulted by the petitioner on 17.03.2020.

Learned counsel for the petitioner contends that at the initial stage, sister of the petitioner made a complaint to the police against the father and maternal uncle of the victim for harassing her by doing wrong act(s), but no action was taken thereon. He further contends that instead, the petitioner has falsely been implicated in the above-noted FIR at the instance of the complainant.

On the other hand, learned State counsel opposes the prayer made in the present petition and submits that there were injuries on the person of victim, who had also narrated the entire incident in his statement under Section 164 Cr.P.C. He further contends that although challan has been presented, yet the victim as well as the complainant is yet to be examined.

I have heard the learned counsel for the parties.

There are allegations against the petitioner that he has committed aggravated sexual assault upon the minor, aged about 10-year.

Keeping in view the nature and gravity of the offence and in view of the fact that the material witnesses are yet to be examined and trial of the case is in the offing, I find that if the petitioner is enlarged on bail at

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this stage, he may tamper with the evidence.

In view of the above, I do not find any merit in the present petition.

Dismissed.

29.09.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No