

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

CRM-M-23111-2020

Date of decision:18.11.2020

Sarwar Khan

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Rosi, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.105 dated 23.03.2019 registered under Section 452 IPC and Sections 4,18,17 of POCSO Act, 2012, at Police Station Punhana, District Nuh.

Learned counsel for the petitioner states that the present FIR was got registered two days after the alleged incident. She further states that the complainant herself is involved in another case of honey trapping and thus keeping in view her criminal antecedents, her version cannot be said to have any truthful substance.

Reply by way of an affidavit of Deputy Superintendent of Police, Punhana, filed in the Registry on behalf of the respondent/State is taken on record.

Learned State counsel, while referring to the status report,

states that statement of the victim was recorded under Section 164 Cr.P.C. by Judicial Magistrate 1st Class, Ferozepur Jhirka on 27.03.2019. He further states that in her statement, the victim has specifically narrated the manner of crime and its commission by the accused including the petitioner. On this strength, he vehemently opposes the prayer for bail.

I have heard learned counsel for the parties.

In her statement recorded under Section 164 Cr.P.C., the victim has specifically stated the crime committed by the accused, including the petitioner, after having entered her house. The allegations against the petitioner are serious in nature. Moreover, the victim is a minor girl of about 13 years. Thus, the totality of the circumstances weigh against the concession of bail sought by the petitioner.

In view of the above, no case for grant of anticipatory bail is made out.

Dismissed.

18.11.2020

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(HARNARESH SINGH GILL)
JUDGE

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