

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

CRM-M-23835 of 2020 (O&M)

Date of Decision: 07.10.2020

Jagbir @ Sethi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Harkaran Singh, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.OO62 dated 17.02.2020, registered under Sections 67B IT Act, Section 4 of POCSO Act 2012, Sections 342/34/506 IPC and Section 3 of SC/ST Act 1989, at Police Station City Bahadurgarh, District Jhajjar.

2. The prosecution case in nutshell is that petitioner and co-accused committed penetrative sexual assault on victim, merely a 9 years old young boy. They also made a video of the same and uploaded/circulated it on whatsapp.

3. Learned counsel for the petitioner argues that 5 days prior to registration of instant FIR, a fight took place between mother of the victim and the petitioner regarding a passage. The petitioner has, therefore, been falsely implicated and named. Petitioner is a vegetable vendor by profession and he was not even present at the spot.

4. Learned counsel further submits that Section 3 of SC/ST Act 1989 has wrongly been invoked in the FIR as petitioner himself belongs to Scheduled Caste. Petitioner has been in custody since 17.02.2020 and he is the only bread winner of his family.

5. Learned State counsel in compliance of order dated 24.08.2020 passed by this Court, has produced a copy of statement of the victim recorded under Section 164 Cr.P.C.. In the his statement recorded before the Magistrate, victim has reiterated the allegation in same terms as in the FIR.

6. In view of the aforesaid statement and taking into the consideration seriousness of offence, no ground for grant of regular bail at this stage is made out.

7. Dismissed.

OCTOBER 07, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No