

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-25232-2020
Decided on : 01.09.2020

Jugmal @ Jamaluddin

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Manjari Nehru Kaul, J.

This is the 3rd petition under Section 439 Cr.PC for the grant of regular bail to the petitioner in case FIR No.272 dated 05.12.2018 registered under Sections 452, 506 of IPC 1860 and Section 6 of Protection of Children from Sexual Offence Act 2012 at Police Station Rojka Meo District Nuh.

Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted on the petitioner due to a history of rivalry between the parties. He has further contended that the petitioner has been behind bars since 06.12.2018 and the trial has not yet concluded. He has also apprised this Court that the complainant and other material witnesses already stand examined. While drawing the attention of this Court to the testimony of PW-2 Bane Singh the alleged eye-witness, he has contended that he did not support the case of the prosecution and was declared hostile. Hence, the petitioner be extended the concession of regular bail.

Per contra learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. He on instructions from ASI Ashok has apprised this Court that there are very serious allegations levelled against the petitioner, who is 86 years old man, of sexually molesting a six years old girl while her parents were not at home, which are corroborated by medical evidence. Learned State counsel has drawn the attention of this Court to the medico-legal report of the victim, wherein, redness and tenderness was found present on her vagina by the doctor. He has further apprised this Court that out of 15 prosecution witnesses cited 10 already stand examined and the trial would have concluded had it not been for the outbreak of COVID-19.

Heard.

Learned counsel for the petitioner has miserably failed to satisfy this Court qua any change in the circumstances since the filing of the previous petitions for grant of regular bail and the last one having been filed as recently as on 21.08.2020. Moreover, even on merits, the submission of learned counsel for the petitioner that Bane Singh, the alleged eye-witness, who stepped into the witness-box as PW-2, had not supported the case of the prosecution, would be of no help to him because it is very evident that the mother of the victim, who is also the complainant in this case, has fully supported the case of the prosecution. Further, a perusal of the FIR in question reveals that Bane Singh, PW-2 had not witnessed the alleged occurrence. But it was the complainant, who had seen the petitioner sexually assaulting her daughter and thereafter, she had called out her husband, who had then reached the spot accompanied by said Bane Singh, PW-2 and the petitioner had thereafter fled.

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

(MANJARI NEHRU KAUL)
JUDGE

01.09.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No