

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

CRM-M-26379-2020 (O&M)

Date of decision: 10.09.2020

Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Satyaveer Singh, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 207 dated 13.05.2019 registered under Sections 346, 363, 366A, 328, 342 IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Safidon, District Jind, Haryana.

Learned counsel for the petitioner states that the petitioner has been in custody since 25.11.2019. The challan has been presented but no prosecution evidence has been recorded. He further states that now, the victim as well as her parents, have executed their affidavits to the extent that the petitioner has wrongly been named in the present case.

Additionally, the learned counsel for the petitioner prays for grant of regular bail on the ground of massive spread of Covid-19 cases.

Notice of motion.

On the asking of this Court, Mr. Ramesh Kumar Ambavta, AAG Haryana, accepts notice on behalf of the respondent-State and submits that the victim, in her statements recorded under Section 161 and 164 Cr.P.C. has supported the case of prosecution. He further submits that the allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper with the evidence or win over the witnesses.

At this stage, Mr. Amit Singh Sethi, Advocate, appears for the complainant and has not disputed the factum of the aforesaid affidavits of the victim and her parents.

I have heard the learned counsel for the parties.

As noticed above, the victim is yet to be examined. In such a case, the testimony of the victim is of the vital significance. The victim is minor and she has supported the case of prosecution in her statements recorded under Section 161 and 164 Cr.P.C. The factum of execution of the affidavits by the victim and her parents is of no help to the petitioner, as the same does not have any legal value nor the same can be relied upon. The prayer of the petitioner for release on bail on Covid-19 ground does not have any merit either.

Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

10.09.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No