

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

CRM-M-26112-2020 (O&M)

Date of decision : 09.09.2020

Saddam

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Saleem Ahmed, Advocate, for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Ferry Sofat, Advocate, for the complainant.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.476 dated 21.11.2019 under Sections 148, 149, 323, 452, 354, 506 of the Indian Penal Code, 1860 (for short, 'IPC'). Later on Section 354 IPC was deleted and Section 307 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 were added. The FIR was registered at Police Station Ferozepur Jhirka, District Nuh.

Learned counsel for the petitioner has contended that the complainant as well the injured have executed affidavits stating therein that the incident alleged in the FIR never occurred and that the FIR was lodged due to enmity. Typed copies as well as photocopies of the

affidavits have been attached with the petition. It has further been contended by the learned counsel for the petitioner that the petitioner has falsely been implicated in the case and has been in judicial custody since 22.04.2020.

On the asking of the Court, Ms. Dimple Jain, AAG Haryana, has put in appearance through video conferencing on behalf of the respondent/State. She, on instructions from ASI Sarita, has stated that as per the statement of minor girl recorded under Section 164 CrPC, she has fully supported the case of the prosecution. It has further been stated that the challan has been presented and that this was not a fit case for grant of regular bail.

I have heard the learned counsel for the parties.

The MLR of the injured clearly reveals that injury No.2 was declared to be dangerous to life. On the basis of the medical opinion, Section 307 IPC was added in the FIR. The minor child in the present case has also supported the version of the prosecution in her statement recorded under section 164 CrPC. The affidavits of the complainant and her husband produced by the petitioner along with the present petition also do not inspire confidence inasmuch as the same have been executed several months after lodging of the FIR. Further, the deponents in both the affidavits have not been identified by anyone and neither has the Notary attested that he knows the deponents personally.

In view of the above this Court does not deem it to be a fit case for grant of bail. It is, however, made clear that anything observed herein shall not be treated as an expression of opinion on the merits of the case.

Present petition is dismissed accordingly.

September 09, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No