

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

CRM No.M-27932 of 2020 (O&M)
Date of Decision: September 21, 2020

Jabbar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

CRM No.23063 of 2020

The present application has been filed under Section 482 Cr.P.C. for exemption from filing the certified of Annexures P-1 to P-3.

Heard.

In view of the averments in the application, the same is allowed, subject to all just exceptions. Annexures P-1 to P-3 are taken on record.

CRM No.M-27932 of 2020

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.122 dated 23.12.2018 under Sections

363, 366-A IPC and Section 4 of POCSO Act, registered at Police Station Nuh, District Nuh.

Notice of motion.

Ms.Harpreet Kaur, AAG, Haryana, accepts notice on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The accusations against the petitioner are about having subjected victim (who is aged about 14 years) to the penetrative sexual assault. Now, it is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. In fact, learned counsel for the petitioner has drawn the attention of this Court to the Forensic Science Laboratory report, which is at Annexure P-3. In view of the recitals of the said FSL report, it is stated that human semen was detected on Ex.1a (Salwar) but however, semen was not detected on other Exhibits i.e. shirt, sameez, vaginal swabs, cervical swabs, slides and pubic hair. In view of the same, it is submitted that the petitioner has been falsely implicated in the present case. Also, it is submitted that petitioner is in custody since 19.12.2019.

However, learned State counsel resisted the claim of learned counsel for the petitioner. She submits that challan has been presented and charges have already been framed. However, statement of the victim has not yet been recorded.

Considering the fact that statement of the victim is still to be record, it is too early to consider the case of the petitioner for grant of regular bail. The plea of false implication, as now asserted in view of the

recitals of the FSL report, can only be appraised after the evidence is brought on record. In these circumstances, considering the seriousness of the offence allegedly committed by the petitioner, no case is made out for grant of regular bail to him.

Consequently, finding no merit in the present petition, the same is dismissed.

(ARCHANA PURI)
JUDGE

September 21, 2020
Vgulati

Whether speaking/reasoned	Yes
Whether reportable	No