

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

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CRM-M-28116-2020 (O&M)

Date of decision : 11.12.2020.

Man Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Manoj Tanwar, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. G.S.Sandhu, Advocate, for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second bail petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.194 dated 09.07.2019 under Sections 323, 342, 506 of the Indian Penal Code, 1860 and Section 10 of the Protection of Children from the Sexual Offences Act, 2012 (POCSO Act) registered at Police Station Taraori, District Karnal, Haryana.

Learned counsel for the petitioner has contended that the petitioner is almost 80 years old and has falsely been implicated in the case. He has further referred to the MLR Annexure P-2 to contend that there are no injuries which were received by the victim.

Mr. Naveen Singh Panwar, DAG, appearing on behalf of the State has pointed out that the victim in the present case is a 08 year old child and that she had gone to the shop of the present petitioner with two rupees to purchase something where the petitioner pressed her chest and inappropriately touched the private parts on account of which she was suffering from great pain in her chest. Thereafter, the petitioner had threatened the victim that in case she disclosed regarding the incident to anybody he would kill her. The child helpline was informed and a female counselor reached their house in the evening and counselled their

daughter (the victim) and it became clear that the present petitioner had committed a wrong act with his daughter and had criminally intimidated her and on account of which she did not disclose the incident to anyone. It has further been stated by the State counsel that the victim and her mother have fully supported the prosecution case in evidence.

Learned counsel for the complainant has also pointed out that the family of the petitioner had been threatening the complainant and his family and qua the said threats the complainant was compelled to approach this Court in CRM-M-45448-2019. The learned counsel has further contended that in order to get the matter compromised a false case was got lodged against the complainant by the relatives of the petitioner. A cancellation report has now been filed qua the said FIR.

I have heard the learned counsel for the parties.

The allegations in the present case are regarding a sexual assault upon an 8 year old child. The Court in the present case is mindful of the age of the petitioner but at the same time it has also to be seen that there are well-founded apprehensions on the part of the complainant that the relatives of the petitioner were trying to put pressure on the complainant to compromise the matter. The age of the petitioner/accused by itself cannot be a ground for grant of regular bail.

Keeping in view the above and the gravity of the allegations involving an 8 year old child, I do not find the present case to be a fit one for grant of regular bail.

Dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

December 11, 2020

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NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No

(ALKA SARIN)
JUDGE