

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-29755 of 2020(O&M)

Date of Decision: 25.11.2020

Ankit

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. M.K. Mittal, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Anil Kumar Rana, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 438 CrPC is for grant of anticipatory bail to the petitioner in FIR No.0075 dated 30.08.2020 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 IPC registered at Women Police Station Panchkula, District Panchkula.

Learned counsel for the petitioner has argued that the petitioner is innocent and he has been falsely implicated in the present case. The families of the complainant and the petitioner are having some dispute being neighbours and therefore, the present case has been registered against the petitioner in order to settle score with him.

I have heard learned counsel for the parties.

Admittedly, the victim is a girl, who is less than 13 years of age. Report of the Forensic Laboratory, Madhuban was received in the case and as per the DNA report, the DNA samples extracted from the seminal stains obtained from the clothes of the victim and the DNA samples extracted from the blood samples of the petitioner matches with each other. The argument of counsel for the petitioner that earlier also, the maternal grandfather (nana) of the prosecutrix namely Amarjit Singh had got FIR No.43 dated 18.03.2017 under Sections 370, 372, 376, 120-B IPC and Sections 3 and 4 POCSO Act, P.S. Lalru, District SAS Nagar, Mohali registered and in that case, the accused-herein faced trial for commission of offences under Sections 363, 370, 372, 376, 120-B, 506, 201 IPC and Section 6 POCSO Act and was acquitted of offence under Sections 372, 120-B, 366A and 376 IPC and Section 6 POCSO Act, is of no relevance, as in that case also, the accused were convicted for other offences i.e. Sections 363 and 506 IPC.

In the present case, since the prosecutrix is less than 13 years of age and the DNA report received in the case is against the petitioner, no case for anticipatory bail is made out.

Accordingly, the present petition is dismissed.

November 25, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No