

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

217

**CRM-M-30907 of 2020
Date of Decision:09.12.2020**

SONU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashish Grewal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

The hearing of this case has been taken up through video conferencing on account of outbreak of Coronavirus (Covid-19) pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of concession of regular bail to the petitioner in case FIR No.94, dated 19.03.2019 registered under Section 376-C of the Indian Penal Code, 1860 and Sections 8 and 4 of Protection of Children from Sexual Offences Act, 2012, at Police Station Chhappar, District Yamuna Nagar, Annexure P-1.

As per the version of the prosecution, the complaint was received from 'B' (named with-held), wherein she stated that she had adopted 'S' (name with-held), who is the daughter of her deceased sister-in-law. It has been further stated that 'S' was raped by Sonu @ Kala (present petitioner) on the night of 18.03.2019. After conducting the medical

examination of the victim-prosecutrix and recording her statement under Section 164 Cr.P.C., the accused was arrested on 26.03.2019.

Counsel for the petitioner has argued that a false case has been lodged against the petitioner due to a personal grudge and there is no incriminating material with the prosecution to implicate the petitioner. He submits that the evidence of the prosecution witness has been recorded during the course of the trial and there is no possibility of absconding of the petitioner.

Opposing the petition, learned State counsel upon instructions from the Investigating Officer, SI Surinder, has relied upon the statement of the victim/prosecutrix recorded under Section 164 Cr.P.C. as well as her statement recorded during the trial. As per his instructions, the trial is at an advanced stage and is fixed for arguments on 06.01.2021.

I have considered the rival submissions of the counsel for the parties.

The victim/prosecutrix is a minor girl of 16 years of age. Specific and categoric allegations of a very serious nature have been levelled against the petitioner, which have been supported by the victim in her statement recorded under Section 164 Cr.P.C. as well as her testimony recorded as prosecution witness No.1 during the trial. The Hon'ble Supreme Court in **State of Punjab versus Gurmeet Singh (1996) 2 SCC 384** has held that evidence of victim in cases of sexual assault etc. is enough for conviction of the accused and the same does not require any corroboration. The Court has placed the statement of a prosecutrix on a much higher pedestal than that of injured witness.

Keeping in view the above circumstances, the nature of allegations, the gravity of the offence and the fact that the trial is at the fag end, this Court does not deem it appropriate to grant regular bail to the petitioner.

The petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

09.12.2020
Sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No