

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 32491 of 2020
Date of Decision: 18.11.2020**

Parteek @ Gori

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Lakshay Bajaj, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No.137 dated 24.03.2020 under Sections 4 and 18 of the Protection of Children from Sexual Offence Act, 2012 (for brevity 'POCSO Act') and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Section 363, 336-A of Indian Penal Code added later and Section 18 of POCSO Act has been removed) registered at Police Station Kurukshetra University, District Kurukshetra.

Reply by way of affidavit of the Deputy Superintendent of Police, Kurukshetra on behalf of the respondent has been filed in the Registry. The same is taken on record.

Learned counsel for the petitioner submits that as per the FIR, the complainant has stated that it was the petitioner who have dropped her back home and even as per the statement recorded under Section 164 Cr.P.C., the prosecutrix has specifically stated that nothing else has happened at all and the petitioner only tried to force me and upon my refusal had dropped me back home.

Learned counsel for the petitioner also draw the attention of this Court to the affidavit dated 14.08..2020 (Annexure P-5) and states that the deponent is major and has stated all the details of the fact after proper thinking in the presence of her mother Surender Kaur and nothing has been stated against the petitioner.

Learned State counsel has submitted that the Challan has been presented and the charges have yet to be framed and since the prosecutrix is yet to be examined in this case before the Court as a prosecution witness, the Court is not inclined to grant the concession of regular bail to the petitioner.

The Hon'ble Supreme Court in the case of *State of Bihar Vs. Rajballav Prasad @ Rajballav Pd. Yadav*, 2017 (1). R.C.R. (Criminal) 65, has observed that even if the prosecutrix had already been examined but the other material witnesses are yet to be examined, no bail is to be granted.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

November 18, 2020
Anjal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No