

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35633-2020
Date of Decision: 11.11.2020

Vishal

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Hemant Bassi, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through Video Conferencing.

Prayer in the present petition is for grant of regular bail in the cross version recorded vide Diary No. 220-Dasti dated 18.06.2020 in FIR No. 249 dated 15.06.2020 under Sections 363/366-A/506 IPC & Section 4 of the POCSO Act, 2012 (Sections 370, 370-A, 384, 389 IPC and Section 6 of POCSO Act added and Section 4 of the POCSO Act deleted later on), at Police Station Kurukshetra University, Kurukshetra.

Learned counsel for the petitioner alleges false implication of the petitioner. It is further submitted that the petitioner has been implicated in the present case because of his being the nephew of Suresh Kumar, who was the complainant in the aforesaid FIR, whereas the petitioner has no role to play in the occurrence in question. It is further submitted that the

victim while recording her statement under Section 164 Cr.P.C. did not utter even a single word worth the allegation against the petitioner and that the alleged amount of Rs.2,50,000/- found deposited in the account of the petitioner was the money, which the petitioner had borrowed from Mamchand.

After hearing learned counsel for the petitioner, I do not find any merit in the aforesaid arguments.

The victim is none other than the daughter of co-accused Suresh Kumar. Suresh Kumar, was the original complainant in the FIR, but later on the Investigating Agencies found incriminating material against him, his brother Hawa Singh, Krishan Lal and the petitioner and accordingly a cross version was recorded under Sections 370, 370-A, 384, 389 IPC and Section 6 of the POCSO Act.

It may be noticed that Suresh Kumar had earlier moved a complaint dated 30.03.2020 and got registered FIR No. 378 dated 10.04.2020 under Sections 363, 366 IPC at Police Station Thanesar City, Kurukshetra against co-accused Mamchand. Thereafter, the present FIR was registered by complainant-Suresh Kumar (now co-accused) against Mamchand.

The cross-version in the present case had been registered by the Investigating Agency upon the incriminating material having surfaced against the petitioner and other co-accused, including Suresh Kumar complainant. As noticed in the order dated 24.09.2020 passed by the learned Additional Sessions Judge, Kurukshetra, while declining grant of regular bail to the petitioner, the victim and her mother in their

statements under Section 161 Cr.P.C. had specifically stated the manner in which the victim was being trafficked for money by complainant Suresh Kumar and the co-accused, including the petitioner.

The allegations against the petitioner are very serious in nature. The case pertains to throwing the victim (a minor girl) into a flesh trade to gain monetary benefit. Thus, if enlarged on bail, the petitioner may indulge himself into similar crime again.

In view of the above, no case is made out to grant the concession of regular bail to the petitioner. Hence, the present petition is dismissed.

11.11.2020
ds

(HARNARESH SINGH GILL)
JUDGE

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