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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.37107 of 2020 (O&M)

Date of decision: 23.11.2020

Surjan and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Tushar Gautam, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.343 dated 02.07.2020 registered under Sections 323, 354-B, 452, 34 IPC and 10 of the POCSO Act, at Police Station Camp Palwal, District Palwal.

Counsel for the petitioners has submitted that as per the allegations in the FIR, the complainant Sunita stated that her minor daughter namely 'S' name not disclosed aged about 12/13 years was preparing food and in the meantime, the petitioner – Surjan and Rahul came and torn out the clothes of her daughter and have caught hold of her breast and when the complainant, raised the voice, Jasbir, Chaman, Suraj and Mohit also entered her house and gave beatings to the complainant and her daughter.

Counsel for the petitioners has further submitted that one of the accused namely Mohit has been granted the concession of anticipatory bail vide order dated 21.09.2020 passed in CRM-M

CASE HEARD THROUGH VIDEO CONFERENCING

No.28322 of 2020.

A perusal of the said order show that it is the argument of counsel for the petitioner that in fact, the present petitioner Surjan and Rahul had entered the house of the complainant and caught hold of her daughter. It was further argued on behalf of Mohit that the primary allegations of POCSO Act, are attributed to Surjan and Rahul and therefore, the allegations against the petitioners are distinguishable from the allegations against the co-accused Mohit.

The only argument raised by counsel for the petitioners is that the FIR is a counter-blast to an earlier FIR registered by the father of the petitioner Surjan against the complainant party is without any basis as the said FIR pertains to 13.06.2020 whereas the present FIR was registered on 28.08.2020 wherein the victim is a minor girl.

Counsel for the State has opposed the prayer for bail on the ground that in the statement recorded under Section 161 Cr.P.C., the minor girl supported the prosecution version.

After hearing the counsel for the parties and considering the serious allegations against the petitioners, I find no ground to grant the concession of anticipatory bail to the petitioners.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

23.11.2020
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No