

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

218

CRM-M-461-2021 (O&M)

Date of Decision: 31.03.2021

RAJVIR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana.

Mr. Ravi Malik, Advocate for the complainant

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Status report by way of an affidavit dated 18.02.2021 of the Deputy Superintendent of Police, Jagadhri, filed in the Registry, is taken on record.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.323 dated 15.03.2019 at Police Station Jagadhri City, District Yamuna Nagar, under Sections 376(3) and 506 IPC and Section 6 of the POCSO Act, 2012.

Learned counsel for the petitioner contends that initially, the petitioner was not named in the FIR and there is a delay of six months in lodging the same. He further states that the petitioner has been in custody since 20.03.2019. The victim as well as Kapil Dev (father of the victim) have not supported the prosecution case and have been declared hostile.

Learned State counsel assisted by the learned counsel for the complainant, while opposing the prayer for grant of regular bail to the petitioner has stated that the victim was 13 years of age at the time of occurrence. As per the DNA report, the petitioner is the biological father. He further contends that in the statement under Section 164 Cr.P.C., the prosecutrix had specifically named the petitioner.

I have heard the learned counsel for the parties.

The argument that the prosecutrix and her father have not supported the prosecution version in their deposition before the trial Court, is not enough to grant bail to the petitioner as the issue with regard to the contradiction of the statement recorded by the victim/prosecutrix under Section 164 Cr.P.C. and the subsequent deposition before the trial Court, is a matter of trial. Suffice it to say that the trial Court will have to weigh all the material and evidence before it. No further observation is made lest it should affect the outcome of the trial.

In view of the above, no ground is made out for grant of regular bail to the petitioner.

Accordingly, the present petition is dismissed.

31.03.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>