

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-1840 of 2021 (O&M)
Date of Decision: January 19, 2021

Ravi

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Sumit Singh Bairagi, Advocate,
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the COVID-19 pandemic.

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail in case FIR No.124 dated 26.03.2019 under Sections
376(2)(f), 376(3), 506, 376 DA IPC and under Section 6 of POCSO Act,
2012, registered at Police Station Indri, Karnal.

Notice of motion.

Ms.Harpreet Kaur, AAG, Haryana, accepts notice on behalf of
the respondent-State.

As per version of the prosecution, on 26.03.2019, the
petitioner, who is *chacha*(uncle) of the prosecutrix, had locked the

prosecutrix inside a room, removed her clothes and was trying to commit wrongful act. He kept on touching his penis with the vagina of the prosecutrix and he had also extended threats to kill her, if she discloses the same to anyone.

Now, it is submitted by learned counsel for the petitioner that complainant, who is mother and father of the prosecutrix as well as prosecutrix, while present in the lower Court had made submission that it was only an outcome of the family dispute and now the matter has been resolved and as such, they have stated that they have no objection, if the bail is granted to the petitioner. As such, a prayer has been made for grant of bail.

However, the submission so made, is resisted by learned State counsel. She submits that offence under POCSO Act and rape accusations are non-compoundable in nature. She further submits that though challan has been presented and charge has been framed, but statements of the prosecutrix and other material witnesses, are yet to be recorded.

It is pertinent to mention that even though, it is stated that petitioner has been falsely implicated and complainant along with her husband and prosecutrix had made appearance before the Court and had so stated, but however, it is too early to comment upon the innocence of the petitioner. One is not to lose sight of the fact that prosecutrix is 11 years old and her statement under Section 164 Cr.P.C. has been recorded and therein, she has implicated the petitioner qua sexual abuse.

Considering the nature of accusations and also considering the relationship of the petitioner, with the prosecutrix and keeping in view the age of the prosecutrix, at this stage, no case is made for grant of regular bail

to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.

(ARCHANA PURI)
JUDGE

January 19, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No