

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

224

**CRM-M-2084-2021
Date of decision: 09.09.2021**

Ram Lal

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor,
for the respondent-U.T. Chandigarh.

(Through Video Conferencing)

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0165 dated 21.08.2020 lodged under Sections 354/A(1)(i) and 506 of the Indian Penal Code, 1860 (in short, "the IPC") and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (in short, "the POCSO Act") (challan presented under Sections 354/A(1)(i), 506 and 376/AB of the IPC and Section 6 of the POCSO Act) registered at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner submits that it is a case of false implication. Offence under Section 376/AB was added subsequently which further lends credence to the petitioner being framed in the case in hand. There is no likelihood of the trial concluding in the near future. Therefore, the petitioner may be extended concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Balwinder Singh, has apprised the Court that the prosecution evidence is underway. He has invited the attention of the Court to the MLR wherein it clearly finds reflected that the victim, aged just 6 years, was sexually violated.

Learned State counsel has further apprised the Court that two material witnesses i.e. victim and the complainant while stepping into the witness box fully corroborated the case of the prosecution and hence the petitioner may not be extended the concession of regular bail.

Heard.

Prima facie there are serious allegations against the petitioner of having sexually violated the modesty of just 6 years old girl which finds corroboration from the medical evidence as well.

In the circumstances, the petitioner does not deserve the concession of bail.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.09.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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