

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

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**CRM-M-2649-2021
Decided on : 26.08.2021**

Jammu Singh @ Tarsem Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Gurvinder Singh Sidhu, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Mandar Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. seeking grant of bail to the petitioner, in case FIR No. 61, dated 06.04.2014, registered under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'the POCSO Act'), lodged at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner submits that the present case has been foisted upon the petitioner by the mother of the victim in order to humiliate and harass the petitioner. While inviting the attention of this Court to the deposition of the mother of the victim, learned counsel submits that the mother of the victim did not support the case of the prosecution in its entirety and in fact, had given self-contradictory statements while stepping into the witness-box as PW-3. Learned counsel, therefore, prays that the petitioner be extended the concession of bail, as he has been in custody since 09th March, 2020 and there is no likelihood of the trial

concluding in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that no doubt the mother of the victim did make self-contradictory statements while stepping into the witness-box as PW-3, however, the victim, who was just aged 04 years, at the time of occurrence, reiterated the allegations levelled in the FIR in question while stepping into the witness-box as PW-1 by categorically deposing that the petitioner pulled her hair, bit her on her cheeks and shoulders. Learned State counsel has further submitted that in fact the petitioner was in a live-in relationship with the mother of the victim and hence, it was very evident that the mother of the victim for reasons but obvious was trying to come to the rescue of the petitioner by giving self-contradictory statements before the trial Court.

Heard.

Prima facie, there are serious allegations against the petitioner of sexually assaulting the victim, aged 04 years for which the petitioner does not deserve the concession of bail. In view thereof, the petition stands 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.

(MANJARI NEHRU KAUL)
JUDGE

August 26, 2021

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No