

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

CRM-M-2855-2021 (O&M)

Date of decision : 12.02.2021

Krishan Sharma

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Shalini Atri, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

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 FIR No.126 dated 07.07.2019 registered under Sections 377, 506 of the Indian Penal Code, 1860 (IPC) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) at Police Station Bass, District Hisar.

Vide order dated 07.10.2020, the first bail petition of the petitioner was dismissed.

Learned counsel for the petitioner has contended that the changed circumstance in the present case is that the petitioner has now been in custody for the last one and a half year.

Mr. Minderjeet Yadav, DAG, Haryana, has stated that though the minor child has been examined, however, the complainant is yet to be examined in the case.

I have heard learned counsel for the parties.

Vide a detailed order dated 07.10.2020 passed in CRM-M-1471-2020, the regular bail petition of the petitioner was dismissed by this Court. There is no change in the circumstances brought to the notice of this Court except that the petitioner has now been in custody for the last one and a half years. In present case, very serious allegations are levelled against petitioner of committing offence under Section 377 IPC and Section 6 of the POCSO Act with the minor child of 13 years of age. Though the child himself has been examined, however, father of the child, who is the complainant in the present case, is yet to be examined. Custody period alone cannot be a ground for grant of bail.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner.

Dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

February 12, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO