

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

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**CRM-M-3025-2021 (O&M)
Date of decision : 28.01.2021.**

Suresh Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.88 dated 06.05.2020 under Sections 452, 354, 354-A, 354-B, 506 of the Indian Penal Code, 1860 ('IPC' for short) and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for short) registered at Police Station Khuhi Khera, District Fazilka.

Learned counsel for the petitioner has contended that the changed circumstance in the present case, since the dismissal of the first petition, is the period of custody. The petitioner has been in custody since 01.07.2020.

The FIR was registered on the basis of statement of Sona Devi who has stated that on 04.05.2020 when her minor daughter aged 14 years was alone at home, the petitioner, after entering their house and after confirming that her parents were away, started kissing her and when her daughter resisted, he gagged her by placing his hand upon her mouth and started touching her breasts inappropriately and, subsequently, he ran away after issuing a threat.

The first petition filed by the petitioner was withdrawn after arguing for some time, vide order dated 22.06.2020. The only changed circumstance as pointed out by the learned counsel for the petitioner is the custody period. The custody period itself cannot be a sole ground for grant of bail. In the present case serious allegations have been made by the complainant against the petitioner having sexually assaulted a minor child. Though challan has been presented, charges are yet to be framed.

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

The petition is dismissed accordingly.

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

January 28, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No