

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

224

**CRM-M-3701-2021
Decided on : 29.01.2021**

Dinesh Dangi

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Anu Garg, Advocate for
Mr. V.P. Sangwan, Advocate,
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Virender.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 600, dated 24.07.2019, under Sections 363, 366 (Section 379 IPC and Section 6 of the POCSO Act, 2020, added later on), registered at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner has been in custody since 31st July, 2019 and 11 out of the 17 prosecution witnesses cited have been examined so far, which include the complainant as well as the victim. Learned counsel has further submitted that victim as well as the complainant's father did not support the case of the prosecution and were declared hostile. Learned counsel has also invited the attention of this Court to an affidavit dated 02.11.2020 (Annexure P-4), which is purported to be an affidavit given by the victim exonerating the petitioner of having committed any wrong act with her. Hence, it has been prayed that in the facts and circumstances, the petitioner be extended the concession of regular bail.

Per contra, learned State counsel on instructions from ASI Virender, while vehemently opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the statement, which has been made by the learned counsel for the petitioner is factually incorrect and misleading, as the victim has fully supported the case of prosecution. He has further submitted that the trial is nearing conclusion, as only formal witnesses remain to be examined.

Heard.

A perusal of the deposition of the victim, which is annexed as Annexure P-3, indeed reveals that she has supported the case of the prosecution in its entirety. Learned counsel for the petitioner has apologized for making submissions contrary to the material on record, however, she would be well advised to be more truthful and responsible in future. She should not forget that she is first an officer of the Court and thus, she is duty bound to present the correct facts.

In the facts and circumstances of the case, I do not find any ground to extend the concession of regular bail to the petitioner. Therefore, finding no merit in the instant petition, same stands dismissed. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 29, 2021

J.Ram

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