

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

CRM-M-3974 of 2021

DECIDED ON: 10th MARCH, 2021

Parmod

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. K.S. Malik-I, Advocate for petitioner.

Mr. Deepak Bhardwaj, DAGA Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is for grant of regular bail in case of FIR No. 403 dated 5.9.2020, under Sections 354-A, 506, 376, 511 IPC and 10 of POCSO Act, 2012 registered at Police Station Meham, District Rohtak.

The FIR was at the best of Suman. The allegations are that on the night intervening 4/5.9.2020, at about 1:00 a.m. when she woke up, her daughter 'A' (name withheld) was not on her cot. While searching for her, they heard noise from the house of neighbourer. She along with her husband entered the house and saw Parmod (petitioner) had pressed the mouth of her daughter and seeing them, he ran away. When asked, the prosecutrix told that the petitioner was molesting her for the last 15 days in the house of Hawa Singh. He used to come through roof. He threatened that he will kill the family of the prosecutrix.

Learned counsel for the petitioner submits that it is a case of false implication due to old enmity. There are contradiction in the FIR and statement recorded under Section 164 Cr.P.C. There is no medical evidence except for statement.

Learned State counsel opposes the prayer for bail. On instructions from SI Chand Kaur submits that the prosecutrix is of tender age. There were external injuries on thigh, shoulder and legs and same are recorded in the MLR. He further submits that the prosecutrix when medically examined gave history that she was thrown away by Parmod on seeing her parents and he ran away from the spot.

The allegations against the petitioner are serious. The prosecutrix was of 13 years of age at the time of incident. The allegations are of not only of assault but molestation also. In the MLR it is mentioned that the Salwar of the prosecutrix was torn from various places which is an indication of force used. The prosecutrix is yet to be examined. The contradiction in the FIR and statement recorded under Section 164 Cr.P.C. would be subject matter of the trial. There is no reason at this stage to believe the contention of false implication of petitioner especially when complainant's daughter reputation is at stake.

The petition is dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10th MARCH, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>