

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

202

**CRM-M-5823-2021(O&M)
Decided on : 23.04.2021**

ANIL KUMAR ALIAS SUNNY

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by SI Som Nath.

MANJARI NEHRU KAUL, J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.0078, dated 03.09.2019 under Sections 377, 323, and 511 of the IPC, 1860 registered at Police Station Bilga, District Jalandhar Rural.

Learned counsel submits that the petitioner has been in custody since 03rd September, 2019 and only 02 out of 09 prosecution witnesses cited have been examined so far. He further submits that the complainant in the case, who is the brother of the victim, did not support the case of the prosecution and was declared hostile, which lends credence to the false implication of the petitioner in the crime in question.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from SI Som Nath submits that no doubt the complainant did not support the case of the prosecution, however, a perusal of the MLR reveals that the victim had indeed suffered bruises on his person, which

corroborate the factum of he having been sexually assaulted by the petitioner. Learned State counsel has further submitted that the victim is a mentally challenged person and his evidence is yet to be recorded before the trial Court.

Heard.

Prima facie, there are serious allegations against the petitioner for trying to commit unnatural sex with the victim, who is a mentally challenged boy. In the circumstances, this Court is not inclined to grant the concession of bail to the petitioner. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

The petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

April 23, 2021

S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>