

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

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**CRM-M-9593-2021
Decided on : 24.11.2021**

Harjeet Singh @ Happy

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. R.S. Dadwal, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Sushil Kumar.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 0007, dated 12.01.2021, under Sections 363, 366, 354 of IPC and Section 10 of the POCSO Act, 2012, registered at Police Station Kiratpur Sahib, Rupnagar (annexed as Annexure P-1).

Learned counsel for the petitioner submits that false implication of the petitioner in the case in hand finds credence from the fact that in the FIR in question, no allegation was levelled against him and it was only while getting her statement recorded under Section 164 Cr.P.C., the prosecutrix for the first time alleged that she had been forced by the petitioner to sit in the car and thereafter, an attempt to rape her was made by him. Learned counsel further submits that as many as 15 prosecution witnesses have been cited, out of which only one stands examined and hence, there is no likelihood of the trial concluding anytime in the near future. A prayer has, therefore, been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and

submissions made by counsel opposite, on instructions from ASI Sushil Kumar, has submitted that subsequent to the statement of the prosecutrix recorded under Section 164 Cr.P.C., Section 354 of IPC and Section 10 of the POCSO Act, were added. Learned State counsel has further submitted that since the victim, aged 15 year, is yet to be examined, the petitioner be not extended the concession of bail, as there is every likelihood that he could influence the witnesses to depose in his favour and also tamper with material evidence.

I have heard learned counsel for the parties and perused the material on record.

Prima facie, there are serious and specific allegations levelled against the petitioner of attempting to violate the person of the victim, aged about 15 years. Therefore, in the facts and circumstances as enumerated hereinabove, this Court does not deem it appropriate to extend the concession of bail to the petitioner.

Petition stands dismissed accordingly. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 24, 2021

J.Ram

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