

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-13454-2021
Decided on : 26.03.2021

Shiv Sagar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.68 dated 05.07.2020 registered under Sections 376, 376(a)(b), 511 IPC, 1860 and Sections 4, 6, 18 of POCSO Act at Police Station Balongi District Mohali.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on the basis of misguided suspicion. He further submits that he is a neighbour of the complainant and had been on visiting terms with the family of the victim and would often play with her. Learned counsel has also submitted that the petitioner has been in custody since 05.07.2020 and there is no likelihood of the trial concluding in the near future as only challan has been presented till date.

Per contra, learned State counsel has opposed the prayer and submissions of learned counsel for the petitioner. He submits that the victim was 1½ years old girl, who was found missing by her parents. When

the parents set out to search for her, they were attracted by the cries of the victim from the bushes. On going near to the bushes, they found their 1½ years old child with the petitioner. The petitioner had taken off his trousers and the underwear of the victim. On seeing the parents, the petitioner fled from the spot. Learned State counsel has invited the attention of this Court to the medico-legal report of the victim wherein on examination the doctor attending the victim noticed the following:

“Physical Development - O/E Victim PA Soft, LE redness in the vulva. No bleeding, hymen seems intact. Vulva-swab taken Exhibit 1, Exhibit 2 control. Liquid blood edta vial/non edta vial”.

Learned State counsel has also invited the attention of this Court to the opinion of the doctor wherein he opined that the possibility of sexual assault could not be ruled out.

Heard.

Prima facie, there are serious allegations against the petitioner in the FIR in question for which he does not deserve the concession of bail. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

26.03.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No