

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-13805-2020(O&M)
Decided on : 01.09.2021

SIKANDER PAL SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Munish Raj, Advocate
for the petitioner(s).

Mr. Amit Mehta Sr. DAG Punjab
assisted by ASI Mohan Lal.

Mr. Bhritgu Dutt, Advocate
for the complainant.

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.64, dated 25.08.2018 under Sections 376 IPC and Sections 3 and 4 of the POCSO Act registered at Police Station Nurmehal, District Jalandhar.

Learned counsel submits that a highly improbable story has been brought forth by the complainant while lodging the FIR in question. He submits that the occurrence is stated to have taken place at about 2 PM in the house of the petitioner. It has been submitted that it cannot be

believed and that too in the presence of his family members, the petitioner would have attempted to sexually assault the victim, aged 1 year and 4 months, who had been brought to the petitioner's house by his own wife.

Per contra, learned State counsel assisted by learned counsel for the complainant on instructions from ASI Mohan Lal has vehemently opposed the prayer and submissions of the learned counsel for the petitioner. It has been submitted that the victim was just 1 year and 4 months of age and was sexually assaulted by the petitioner. He submits that it was his own wife who had informed the victim's parents to come home as she was bleeding profusely. Thereafter the parents of the victim took her to the hospital where she was subjected to a medical examination. Thereafter, the doctor sent her blood-stained clothes, swabs etc., to the Forensic Science Laboratory. Learned State counsel has further submitted that as per the report of the chemical examiner, which has been annexed as Annexure P-5, the presence of spermatozoa were found on the exhibits sent, which in turn corroborates the case of the prosecution that the victim was indeed subjected to sexual assault and raped by the petitioner.

Heard.

In the wake of serious and grave allegations levelled against the petitioner of having raped a minor aged 1 year and 4 months, he does not deserve the concession of bail. Petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

At this stage, a request has been made by the learned counsel that since the petitioner has been in custody since 26th August 2018, the trial

Court be directed to conclude the trial expeditiously.

In the circumstances, trial Court is directed to make all endeavour to conclude the trial expeditiously preferably within 01 year from today.

(MANJARI NEHRU KAUL)
JUDGE

September 01, 2021
S.Sharma(syr)

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