

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

CRM-M-22739-2021
Decided on : 29.06.2021

Hari Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mani Ram Verma, Advocate
for the petitioner.

Ms. Vibha Tiwari, AAG, Haryana.

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.11 dated 06.03.2021 registered under Sections 363/366-A IPC, 1860 and Section 3 of SC/ST Act, Section 17(4) of POCSO Act at Police Station Women Narnaul, Tehsil and District Mehandergarh.

Learned counsel for the petitioner inter alia contends that the petitioner is a victim of false implication which is evident from the statement of the prosecutrix recorded under Section 164 Cr.PC wherein she categorically stated that no wrong had been committed with her by the petitioner. It has also been contended that the provisions of the POCSO Act are not attracted in the case as the prosecutrix was 19 years of age and not 16 years 11 months as stated by the complainant while lodging the FIR in question.

Per contra, learned State counsel while opposing the prayer of

learned counsel for the petitioner on instructions from SI Sharda Devi has

submitted that the prosecutrix was a minor on the date of occurrence, who was lured by the petitioner in the dead of the night from her house to accompany him and thereafter he sexually assaulted her. It was also submitted that since the prosecution evidence was due to commence, the petitioner may not be extended the concession of bail as there was every likelihood of he influencing the witnesses to depose in his favour.

Heard.

In view of the serious and specific allegations against the petitioner, this Court is not inclined to extend the concession of bail to the petitioner. 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

29.06.2021

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No