

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

CRM-M-22822-2021 (O&M)

Date of decision : 30.06.2021

Vikas

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Akashdeep Singh, Advocate for the petitioner.

Ms. Ambika Sood, Addl. AG Haryana.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.23 dated 11.03.2019 under Sections 376(2)(N), 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Women Police Station, District Rohtak.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated and that the changed circumstances in the case are that it has come in the cross-examination of the mother of the Prosecutrix that the Prosecutrix had changed her cloths prior to her medical examination.

Notice of motion.

On the asking of the Court, Ms. Ambika Sood, Addl. AG Haryana has put in appearance through video conferencing and accepts notice on behalf of the respondent-State. Learned counsel for the State has relied upon a detailed order passed by this Court on 10.09.2020 dismissing the first bail application. It is further contended that the Prosecutrix has since been examined and has fully supported the case of the prosecution.

I have heard learned counsel for the parties.

In the present case, the first bail petition was dismissed by a detailed order dated 10.09.2020 wherein it has categorically been noticed that the FSL Report as well as the DNA Report produced by the State counsel reveal that DNA of the petitioner had matched with the sample drawn from the Prosecutrix. Further, there is no change in the circumstances since the dismissal of the first application. The arguments raised by the learned counsel for the petitioner that in the cross-examination of the mother of the Prosecutrix it has come that the Prosecutrix had changed her clothes would be gone into at the time of the trial and cannot be looked into at this stage.

In view of the above, I do not find this to be a fit case to grant regular bail to the petitioner.

Dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

June 30, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO