

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

ASHOK KUMAR
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CRM-M-28003-2021 (O&M)

Date of decision: 28.07.2021

PARVEEN KUMAR

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. DS Virk, Advocate,
for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the second petition for grant of bail pending trial in a criminal case arising from FIR No.232, dated 29.09.2019, registered under Section 377 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012, at Police Station Sadar, Sirsa.

The first application was dismissed on 03.11.2020 with the following order:-

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 232, dated 29.09.2019, registered under Section 377 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012, at Police Station Sadar Sirsa.

As per the case of the prosecution, the petitioner has

committed an unnatural act (penetrated sexual assault) on the victim, aged about nine years, studying in Class 4.

Learned counsel, for the petitioner, contends that the petitioner is in detention since 18.11.2019 and the petitioner and the victim are cousins. He further contends that the parties have now entered into a settlement (Annexure P-2).

Mr. Chetan Sharma, Assistant Advocate General, Haryana, has pointed out that as per the medico-legal report, there was an injury on the anus of the victim and swab of semen from the anus of the victim has been sent for DNA examination.

This Court has considered the submissions of the learned counsel for the parties and with their able assistance, perused the paper book.

In such heinous crimes, the alleged settlement cannot be given an undue weightage. The medico-legal report does support the case of the prosecution. In such circumstances, no ground is made out to grant the concession of regular bail to the petitioner. Hence, the petition is dismissed.

Learned counsel representing the petitioner although made sincere attempts, however, failed to convince the Court.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

28.07.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE