

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRM-M-31559-2021(O&M)
Decided on : 01.09.2021

JAGDEEP

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ankush Singla, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chinna, AAG Haryana
assisted by ASI Devender.

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.285, dated 30.12.2019 under Sections 376 and 506 of the IPC (offence under Section 376-DA added later on) and Section 6 of the POCSO Act registered at Police Station Linepar Bahadurgarh.

Learned counsel submits that false implication of the petitioner in the case in question is evident from the fact that the mother of the victim while stepping into the witnessbox did not support the case of the prosecution, as a result of which she was declared hostile. Learned counsel further submits that even the victim while stepping into the witnessbox did

not fully support the case of the prosecution and there were material contradictions between her statement recorded under Section 164 CrPC and her deposition before trial Court. Prayer has therefore been made that since the petitioner has been in custody since 24th February 2020, he be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from ASI Devender submits that there are serious and specific allegations levelled against the petitioner which are duly corroborated from the FSL report, wherein samples lifted from exhibits sent have matched with that of the petitioner. He further submits that no doubt the mother of the victim did not support the case of the prosecution and even the victim had come up with a contradictory statement while stepping into the witnessbox but it was for reason but obvious since the parties are closely related. Learned State counsel has further submitted that 15 out of 22 prosecution witnesses stand examined and hence it would not take much time for the trial to conclude.

Heard.

Prima facie, there are serious and specific allegations against the petitioner of sexually assaulting the victim aged 14 years, for which 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 prayer has been made by the learned counsel that since the petitioner has been in custody for almost one and a half years, the trial Court be directed to expedite the trial.

In the circumstances, trial Court is directed to make all endeavour to conclude the trial expeditiously preferably within 06 months 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>