

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

227

**CRM-M-32112-2021
Decided on : 16.08.2021**

Sushil @ Sheela

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. S.S. Duhan, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by ASI Sunil Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. seeking grant of bail to the petitioner, in case FIR No. 0002, dated 01.01.2019, registered under Sections 363, 366-A, 328 of IPC and Section 4 of the POCSO Act, 2012, lodged at Police Station Central, Faridabad.

On a pointed query put to the learned counsel for the petitioner, as to what was the material change in circumstances, which would warrant entertaining the instant petition, subsequent to the withdrawal of the previous petition on 29th April, 2021, learned counsel has submitted that subsequent to the withdrawal of the previous petition 04 prosecution witnesses have been examined and there is still no likelihood of the trial concluding in the near future. He has submitted that the petitioner be extended the concession of bail, as he has been in custody for more than two years, as having been arrested on 06th January, 2019.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sunil Kumar, has submitted that there are serious and specific allegations levelled

against the petitioner of having sexually violated the modesty and person of the minor aged 15 years. She has further submitted that not only did the prosecutrix during her deposition before the trial Court support the case of the prosecution in its entirety, but even the MLR of the prosecutrix as well as the FSL report lends credence to a sexual assault having been committed on the prosecutrix. Learned State counsel has further apprised the Court that the trial is nearing completion, as only 04 prosecution witnesses remain to be examined and there is every likelihood that their examination would conclude on the next date of hearing i.e. 16th September, 2021.

Heard.

Prima facie, there are serious and specific allegations levelled against the petitioner, hence, this Court is not inclined to extend the concession of bail to the petitioner. Consequently, finding no merit, the instant petition stands dismissed.

It is, however, 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

August 16, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*