

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

CRM-M-35703-2020

Date of Decision:11.01.2021

Rajan @ Bhandari

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Ravinder Kumar, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG Haryana.

**ALKA SARIN, J.**

This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the petitioner in FIR No.0101 dated 23.02.2020 under Sections 376, 365, 506 Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Kundli, District Sonapat.

In the FIR lodged by Rajesh s/o Indrajit is averred that he has three children – eldest Komal, then son Umesh and then youngest daughter 'X' aged 14 years. My daughter 'X' studies in Class-8 in Government School in the village. Yesterday on 22.02.2020 in our village Bhaira bankepur preparations were going on for the annual 'Bhandara' of our Devsthaan and religious singing was also going on there. My daughter 'X' informed me at about 10.15 pm that she was going to Devsthaan where my wife Santosh and elder daughter were already there. After some time my wife and elder daughter returned but my younger daughter 'X' did not return. Myself and other family

members kept looking for my daughter throughout the night. Today at about 6.15 in the morning I received a call from my younger daughter 'X' on my mobile no.9813331528 from mobile no.9540849543 that she was near the Puliya of KGP Highway on village Bhaira bankepur to Tanki Road and to take her on which me and other family members reached the spot mentioned where we found my daughter 'X'. We took her home and on asking she stated that she had just left home to go to Devsthaan when a car with three men on the pretext of asking the way forcibly put me in the car and made me smell some intoxicating stuff and took me away. Through my wife I am sure that some wrong act has been committed on my daughter during this time.

The learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case, he has not been named in the FIR, he has been implicated because of rivalry in the village and that he was arrested after taking the supplementary statements of the victim and her parents on 23.02.2020 and 24.02.2020. Counsel for the petitioner has also contended that there is discrepancy about the age of the victim and that a new case was set-up in the supplementary statements made on 25.03.2020 by the victim and her parents.

The State counsel has contended that the petitioner was arrested on 25.02.2020 and he is accused of a heinous crime involving a minor and that witnesses are yet to be examined. He also stated that since the accused is from the same village as the victim and her parents there was possibility of the accused influencing them and that this was not a fit case for grant of bail.

I have heard learned counsel for the parties. The petitioner is accused of an offence involving a minor under the POCSO Act. The child is 13/14 years old and has narrated the entire incident with certain clarity. In the supplementary statement the petitioner has been specifically named and the whole incident and the earlier statements have been explained. There prima facie appears to be no reason for a 13/14 year old to give a false statement against the petitioner. Further, the trial is yet to effectively commence and witnesses are yet to depose in Court. Considering the totality of the circumstances, I do not find this to be a fit case for grant of regular bail to the petitioner. The petition is dismissed.

It is, however, made clear that no part of this order may be taken to be as an expression of opinion of the Court on the merits of the case.

11.01.2021

**(ALKA SARIN)**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Yes/No  
Whether reportable: Yes/No