

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

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**CRM-M-35707-2020 (O&M)
Decided on : 17.08.2021**

SUKHWINDER

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Sunil Kumar Dhanda, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG Haryana
assisted by SI Kulwant.

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.261, dated 28.08.2019 under Sections 363, 366-A of the IPC later on Section 376(3) IPC and Section 6 of POCSO Act and Section 3(2)(v) of the SC/ST Act registered at Police Station Kunjpura, District Karnal.

Learned counsel submits that the petitioner has been in custody since 22.10.2019 and has been falsely implicated in the case in hand at the instance of family of the prosecutrix since they both were in a relationship and her family was averse to the same. Learned counsel further submits that the trial is unlikely to conclude in near future as only 03 out of 19 prosecution witnesses cited have been examined so far, hence he may 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 SI Kulwant has submitted that the prosecutrix stands examined and she has fully

supported the case of the prosecution. She further submits that no doubt in her statement recorded under Section 164 CrPC, the prosecutrix did state that she had solemnized marriage with the petitioner, however she was a minor on the date of marriage. Learned State counsel has further submitted that in fact the petitioner had played a fraud by concealing the actual date of birth of the prosecutrix and shown her to be a major on the date of said marriage. She has also apprised the Court that the petitioner is man of criminal antecedents as there is another criminal case registered against him.

Heard.

Prima facie, there are serious and specific allegations levelled against the petitioner 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.

(MANJARI NEHRU KAUL)
JUDGE

August 17, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>