

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

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(Through Video Conferencing)

CRM-M-41845-2021

Date of decision: 06.10.2021

Sanjay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhimanyu Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail to the petitioner in case FIR No.565 dated 17.09.2021 under Sections 354-A and 506 of the Indian Penal Code, 1860 and Section 10 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner inter alia contends that on the face of it, a false case had been planted upon the petitioner as there was not even a shred of evidence which could connect the petitioner with the alleged crime. It has been submitted that the complainant has planted the case on him just to damage his image in the society.

I have heard learned counsel for the petitioner and perused the material on record including the FIR in question.

As per the allegations levelled in the FIR in question, the 11 year old victim had accompanied her father on 16.09.2021 at about

07:00 P.M. to the shop of the petitioner. Since the finger print of the victim's father were not appearing on the finger print machine, the petitioner asked him to go and wash his hands. It was during this period when the father of the victim went to wash his hands, the petitioner after calling the victim indulged in highly inappropriate behaviour and also sexually assaulted her. On return home, the victim disclosed about the incident in question to her father as a result of which when he went back to the petitioner to enquire, the latter threatened him with dire consequences.

After registration of the FIR, the police got recorded the statement of the prosecutrix under Section 164 of the Cr.P.C. wherein the victim reiterated the allegations, levelled in the FIR which was lodged without any delay, which is reproduced hereunder:-

"On dated 16.09.2021 at about 7 pm, I and my father went to the shop for obtaining ration, since finger prints of my father do not match, upon this, Sanjay asked him to wash his hand. My father went away. Upon this, Sanjay tried to obtain my finger prints and after touching my shoulder, he has kissed me forcibly and after that, he has touched my breast and he asked me for friendship. I have told the entire incident to my mother. He has threatened me that if I will disclose this incident to anybody, then he will kill me."

Prima facie it is a case of aggravated sexual assault committed upon a 11 year old child for which the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

06.10.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No