

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

211

CRM-M-39154 of 2020

Date of decision :-06.04.2021

Gurjant Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Pardeep Panwar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

\*\*\*\*

**SUVIR SEHGAL, J.**

The Court has been convened through video conferencing due to Covid-19 pandemic.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking grant of regular bail to the petitioner in FIR No.171 dated 14.12.2019 lodged for offences under Sections 346, 363, 366 and 376(3) IPC, 1860 and Section 4 (2) of Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act") has been added later on, at Police Station Jhansa, District Kurukshetra.

FIR, Annexure P-1, had been registered on the statement of the father of the prosecutrix that his minor daughter is not traceable. On 17.12.2019, the complainant recorded a supplementary statement in which he alleged that his daughter has been lured by Gurjant Singh, present petitioner, whereupon Sections 363 and 366 IPC were added. After the

recovery of the minor, her statement under Section 164 Cr.P.C. was recorded. On the basis of the statement of the prosecutrix recorded on 18.12.2019, Section 4 of POCSO Act was added and the victim was medically examined. The petitioner was arrested on 19.12.2019 and after completion of the investigation, the challan was presented against the accused on 03.02.2020.

Counsel for the petitioner has argued that the petitioner has been falsely framed in the case and the prosecutrix, in her statement under Section 164 Cr.P.C., has not levelled any allegation against the petitioner. He submits that the petitioner is in incarceration for the last more than one year and the trial is likely to take time to conclude, therefore, the petitioner deserves to be enlarged on bail.

State counsel, upon instructions from SI Harbans Lal, has opposed the petition and submitted that the allegations against the petitioner are very serious in nature, which have been substantiated by the prosecutrix in her statement recorded on oath before the Court. He has also referred to the Report of the Forensic Science Laboratory, Madhuban and argued that the involvement of the petitioner in the crime stands established.

I have considered the rival submissions of the parties.

The prosecutrix is a young girl of 16 years of age. The allegations levelled by her are too serious to be ignored or brushed aside. In her testimony before the Court while appearing as prosecution witness No.2, she has levelled specific allegation against the petitioner, which are supported with the forensic report. Presumption under Section 29 of the POCSO Act is also against the accused-petitioner. In any case, the evidence of the prosecutrix does not require any corroboration and her statement in Court is enough to record the conviction of the accused as has been held by

the Hon'ble Supreme Court in **State of Punjab versus Gurmeet Singh**,  
(1996) 2 SCC 384.

Keeping in view the above circumstances, the gravity of the offence and the nature of allegations, this Court does not deem it appropriate to grant regular bail to the petitioner.

The petition is accordingly dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion of this Court on the merits of the case.

06.04.2021  
*sheetal*

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/reasoned : Yes/No  
Whether Reportable : Yes/No