

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

210

CRM-M-43111 of 2021
Date of Decision : 25.10.2021

Balraj Singh @ Babbi**...Petitioner**

Versus

State of Punjab**...Respondent**

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vipul Babuta, Advocate for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 0100 dated 07.08.2020 registered under Sections 377, 506, 34 of the IPC (Section 4 of POCSO Act, 2012 added later on) at Police Station City Jagraon, District Ludhiana.

Learned counsel for the petitioner argues that the petitioner has wrongly been implicated in the present case due to rivalry between the petitioner and father of the victim. Learned counsel for the petitioner submits that nothing incriminating has been found in the medical report and, therefore, the petitioner, who is in custody since 07.08.2020 may kindly be granted benefit of regular bail.

Learned State counsel submits that a child who is deaf and dumb has been allegedly violated by the petitioner and the said victim is yet to be examined and, therefore, the prayer of the petitioner may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations against the petitioner are very serious in nature. As per the allegations, the petitioner has violated a minor, who is deaf and dumb. That being so, unless and until the said victim is examined no benefit of regular bail can be granted to the petitioner. Reliance being placed by the petitioner on the medical report Annexure P/6 is not conclusive for the reason that FSL report is yet to come. On being asked about the reason as to why complainant will frame the petitioner falsely, learned counsel for the petitioner stated that the same is due to political activities, which is a bald statement without any corroboration and the said ground cannot be accepted without any corroboration.

Keeping in view the facts and circumstances of the present case that the victim as well as complainant are yet to be examined, prima facie grant of bail to the petitioner is likely to influence the trial. Therefore, no ground is made out to allow the present petition seeking grant of regular bail to the petitioner.

Dismissed.

October 25, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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