

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

**CRM-M No.39121 of 2020
Date of Decision:16.03.2021**

ASLAM

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr.Ashok Singh Chaudhary, Addl. AG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.
Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.117 dated 15.07.2019 registered under Sections 323, 365, 506 IPC and Section 6 of POCSO Act, 2012 and Section 3 (1) (XII) of SC/ST Act, 1989 at Police Station Women Yamunanagar District Yamunanagar.

Learned counsel for the petitioner states that originally the name of the petitioner did not figure in the FIR and he was indicted only on the basis of a supplementary statement of the prosecutrix recorded on 16.07.2019. It is further submitted that co-accused Goldy, who had been named in the FIR, has since been enlarged on bail by this Court vide order dated 12.10.2020, as the prosecutrix in her testimony before the trial Court, stated that Goldy had not committed any wrong act with her. It is further

submitted that the prosecutrix has been changing her position right from the date of the alleged occurrence and in view of the said fact, the petitioner, who has been behind bars since 17.07.2019, may be released on bail

On the other hand, learned State counsel while opposing the bail of the petitioner, states that the prosecutrix had specifically named the petitioner in her supplementary statement recorded on 16.07.2019. Thus, the offences alleged against the petitioner are serious in nature and he is not entitled to the concession of regular bail. He further states that the case before the trial Court is at the stage of prosecution evidence and out of 18 witnesses, 12 have already been recorded.

I have heard learned counsel for the parties.

The petitioner stands specifically named in the supplementary statement of the prosecutrix recorded on 16.07.2019. In the said statement, she had clearly stated that the petitioner had forcibly committed wrong act with her. Mere long custodial period is no ground to release the petitioner on bail, when he is alleged to have committed grave offences.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

March 16, 2021

Jyoti-IV

**(HARNARESH SINGH GILL)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No