

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

CRM-M-46359-2021

Date of Decision: 11th November, 2021

Sanjeev @ Sanju

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Salil Bali, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This is second petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 34, dated 28.07.2020, under Sections 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 376(3), 376(2)(n), 450, 506 of IPC 1860, registered at Police Station Hansi, District Hansi, Haryana. Earlier bail application was dismissed as withdrawn on 21st June, 2021.

2. Brief facts are that the FIR was registered at the instance of Suresh wife of Rajender Pal. As per the allegations on 27th July, 2020 on asking reason from her daughter for gloomy mood, the victim told that about six months back Sanjeev @ Sanju (petitioner) came to their house and committed a bad act. The victim was threatened in case of disclosure of the incident, her family would be killed and her obscene photos and videos would be made viral on the social media. It was further told that the act was committed five or six time by showing obscene photos and videos.

3. Learned counsel for the petitioner submits that there are contradictions between the contents of the FIR, statement of victim recorded under Section 164 and deposition before the Court. He submits that no recovery of obscene photos and videos was made from the petitioner. He further relies upon the contents of the MLR to submit that the sexual intercourse could not be ascertained.

4. Learned State counsel opposes the prayer for grant of regular bail. She submits that the victim was of a tender age but through out she has been consistent of the fact that the physical relationship was made with her. She submits that as per the FSL report human semen was detected.

5. Learned counsel for the petitioner submits that as per the allegations, act was done five-six months back and there cannot be detection of any human semen in the FSL report.

6. The age of the victim was thirteen years at the time of alleged incident. It would not be appropriate for this Court to expound upon the contradictions in the contents of the FIR, statement under Section 164 and the deposition before the Court. Suffice to say that prosecutrix has been consistent with her allegations that the petitioner made physical relationship with her. The issue raised by counsel for the petitioner with regard to non mentioning of obscene photos and videos under Section 164 Cr.P.C. would be subject matter of trial. Considering gravity of offence, seriousness of allegation and the fact that petitioner is neighbour of the victim, be possibility of influencing the witnesses cannot be ruled out.

8. No ground is made out for bail.

9. Dismissed.

10. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

11th November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No