

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

238

**CRM-M-43985-2020 (O&M)
Decided on : 20.08.2021**

Harmeet Singh @ Rommy

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ashish Aggarwal, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Jagdeep Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 129, dated 19.08.2020, under Sections 354, 354-A of IPC and Section 8 of the POCSO Act, 2012 (Sections 376 of IPC and Section 6 of the POCSO Act, 2012, added later on), registered at Police Station Sultanwind, District Amritsar City.

Learned counsel for the petitioner submits that a false and fabricated case having been planted upon the petitioner is evident from the inordinate and abnormal delay of 2 ½ months from the alleged occurrence. Learned counsel further submits that totally false allegations have been levelled against the petitioner of trying to sexually assault his step daughter aged 13 years. Further contends that the false implication of the petitioner finds credence from the supplementary statement of the complainant, which was recorded on 22nd August, 2020 (Annexure P-3) i.e. after three days of the registration of the FIR in question, wherein, the complainant tried to

improve her previous version given at the time of the registration of FIR by changing dates of the alleged occurrence from 30th May, 2020 to 12th March, 2020. Still further, learned counsel while inviting the attention of this Court to Annexure P-3 i.e. the supplementary statement, submits that it cannot be believed that the petitioner due to her nervous state at the time of registration of the FIR in question would have failed to mention the correct dates of the alleged sexual assault. Learned counsel submits that the complainant had in fact given different and contrary versions of the sexual assault and in support, he has invited the attention of this Court to the report of MLR dated 22nd August, 2020 (Annexure P-4) and thereafter on 04th September, 2020 (Annexure P-5). It has been submitted that these varying accounts clearly indicate that a false case has been planted upon the petitioner by the complainant.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. He on instructions from SAI Jagdeep Singh, has submitted that the petitioner indulged in repeated and continuous sexual assaults on the victim, which clearly stand substantiated not only in her statement recorded under Section 164 Cr.P.C., but also in her deposition before the trial Court, when she stepped into the witness-box as PW-1. Learned State counsel has apprised this Court that the complainant i.e. the wife of the petitioner and mother of the victim, also supported the case of the prosecution in its entirety. He has submitted that no mother would plant a false case against her husband at the risk of putting the reputation of her minor daughter at stake. The learned State counsel has further submitted that the Doctor, who conducted the MLR of the victim already stands examined by the trial Court. He has thus

submitted that in the wake of the serious and specific allegations levelled against the petitioner of having violated the modesty and person of his step daughter, he does not deserve the concession of bail.

Heard.

Without expression any opinion on the merits of the case and keeping in view the fact that prosecution evidence is underway, in addition to the specific and serious allegations levelled against the petitioner of sexually violating the modesty and person of his step daughter aged 13 years, this Court is not inclined to extend the concession of bail to the petitioner.

Petition stands dismissed accordingly. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 20, 2021

J.Ram

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