

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

**CRM-M-8648-2022 (O&M)
Date of decision : 04.03.2022**

Vikas Chopra

..... Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mukul Goyal, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for grant of regular bail in case FIR No.106 dated 09.09.2021, under Sections 506, 377 of IPC, Section 6 of POCSO Act, registered at Police Station Bhargo Camp Commissionerate, Jalandhar.

As per the facts of the case, the present FIR has been lodged on the statement of the complainant, who is none other than mother of the victim and wife of the petitioner. It was alleged that her marriage took place with the petitioner on 20.11.2009 and from this wedlock, they were blessed with two children, one daughter is 10 years old and the younger son who is 9 years old (victim). After the marriage, the husband started harassing her on account of the issue of money for running the house. The allegations regarding his perverted mind were also alleged. The husband i.e. the petitioner went on to the extent of victimizing his 9 years old son as well. Having no other alternative, the complainant approached the police and lodged the present FIR with the request to take legal action against the petitioner. The investigation commenced and thereafter, the statement of

the victim child and that of the mother, both were recorded under Section 164 Cr.P.C. on 11.09.2021. Petitioner was arrested on 09.09.2021. He approached learned Additional Sessions Judge-cum-Fast Track Special Court, Jalandhar for the grant of bail under Section 439 Cr.P.C. who after hearing counsel for both the parties, declined the same vide order dated 05.01.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case only due to the family dispute. He submits that admittedly, he is father of the victim but the relationship of the petitioner with his wife are not cordial and hence, on account of the same, the present FIR has been lodged. He submits that before registration of this FIR, petitioner has sent complaint to the police regarding the molestation by brother of the complainant to his own daughter and on account of the same, the present FIR is registered against him. He has submitted that the allegations are false and fabricated and hence, he deserves to be granted bail.

Learned State counsel has vehemently opposed the prayer made by counsel for the petitioner. He submits that the victim child is 9 years old whereas, the petitioner is his father. He has submitted that from the reading of the allegations in the FIR and statement recorded under Section 164 Cr.P.C, the allegations against the petitioner are very specific and serious. He further submits that in view of the statutory provisions of Sections 29 and 30 of the POCSO Act, there is a presumption against the petitioner. He has submitted that the investigation is complete. Charges are framed and the case is ripe enough for recording the statement of the

witnesses. In case, the petitioner is granted bail, it would prejudice the trial.

After hearing counsel for the parties and perusing the records, it is apparent that the victim in the present case is 9 years old. The allegations are specific and serious in nature. As rightly pointed out by the learned State counsel, the provisions of Sections 29 and 30 of POCSO Act are straight way attracted. At this stage, I do not find any merit in the arguments raised by counsel for the petitioner. There is every likelihood that granting bail to the petitioner would prejudice the trial. Finding no merits in the present petition, the same stands dismissed.

(RAJESH BHARDWAJ)
JUDGE

04.03.2022
m.sharma

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