

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(215)

CRM-M-24143-2022
Date of Decision: 27.10.2022

Abhishek

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Mayank Gupta, Advocate for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.336 dated 5.12.2021 under sections 354-D, 506, 450 IPC and sections 4, 6 and 8 of POCSO Act, registered at Police Station, Narwana City, District Jind.

As per factual matrix, a complaint was lodged by the mother of the victim, wherein it was alleged that her daughter i.e. the victim was studying in Govt. School. Whenever her daughter used to come back from the school she was stalked by Abhishek i.e. the present petitioner. Thereafter, one day Abhishek entered her house and finding the victim alone committed wrong act with her by threatening her. On her asking her daughter disclosed about the incident. A request was made to take legal action against the culprit.

On the basis of the allegations FIR in question was lodged and the investigation commenced. The petitioner was arrested on 7.12.2021. He approached the court of Addl. Sessions Judge, Special Court, POCSO, Jind

for grant of bail, however, after hearing the parties, the same was declined vide order dated 29.3.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. He submits that the petitioner is behind bars since 7.12.2021. It is submitted that the date of the alleged occurrence was 18.11.2021, whereas the present FIR was registered after an unexplained delay of about 17 days i.e. on 5.12.2021. He submits that the investigation in the case is complete and there is no material evidence against the petitioner. He further submits that no injury marks were found on the body of the victim and there is no DNA report to substantiate the allegations of the victim and hence in the absence of the same the case of the prosecution is without any corroborating evidence. He submits that as all the material witnesses stand examined, the petitioner deserves the concession of bail.

On the other hand, learned State counsel submits that there are specific allegations against the petitioner. He submits that the victim in the present case is minor being less than 18 years of age. He further submits that during investigation victim was medically examined and as per the FSL report received human semen was detected which corroborates the allegations made by the victim. He submits that out of total 17 prosecution witnesses 7 already stand examined including the victim and her mother. He further submits that both these witnesses have duly supported the case of prosecution and in view of the same petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, victim is a minor and she has made specific allegations against the petitioner. Both victim and her mother have already been examined by the Trial Court and both these witnesses have supported the case of prosecution. In the FSL Report human semen has been detected.

Keeping in view the overall facts and circumstances of the case, this court finds no merit in the present petition and the same is accordingly, dismissed.

(RAJESH BHARDWAJ)
JUDGE

27.10.2022

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