

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

**CRM-M-27966-2020
Date of Decision: 14th February, 2022**

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. U.K. Agnihotri, Advocate, for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J. (Oral)

1. This petition is filed for grant of regular bail in FIR No. 5, dated 9th January, 2020, under Sections 166A and 34 IPC; Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'); Sections 75 and 87 of the Juvenile Justice (Care and Protection of Children) Act, 2015; and Sections 7 and 8 of the Prevention of Corruption Act, 1988, registered at Police Station Kharakhoda, District Sonapat.

2. The complainant Naveen solemnized marriage with Sonia. The couple was blessed with two children. Later, there was a matrimonial dispute, as a result Sonia started living with Amit (petitioner). The allegations are that younger son-victim (name withheld) of the complainant was physically exploited by the petitioner, attracting the offence punishable under the provisions of the POCSO Act.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 10th January, 2020. It is a case of false implication. The complainant wants to get rid of his wife. The contention is that when complaint was made on 3rd and 4th January, 2020, there were no such allegations. However, when the FIR was registered on 9th January, 2020, the allegations under the POCSO Act were made. It is further argued that the story put forth is not probable as the act attributed to the petitioner was in the presence of the mother of the victim, which is not possible.

4. Learned State counsel opposes the prayer and submits that the allegations are serious, the offence is grievous. A six years child was exploited. She further submits that the victim in his statement on 10th January, 2020, has narrated the allegations against the petitioner. She on instructions submits that the prosecution evidence is on verge of closure and an earnest effort would be made to conclude the prosecution evidence within three months from the date fixed.

5. It would not be appropriate for this Court at the stage of deciding regular bail to comment upon the merits of the case as it would influence the trial. Suffice to say that apart from the allegations made by the complainant, the victim in his statement has reiterated the allegations. The trial is progressing as per the statement of the learned State counsel. The prosecution evidence is nearing completion and thereafter the ball would be in the court of the defence.

6. Considering the nature of allegations and gravity of offence, the custody period itself cannot be a sole ground for grant of bail to

the petitioner.

7. No case is made out for grant of bail. Dismissed.

(AVNEESH JHINGAN)
JUDGE

14th February, 2022

P Kapoor	Whether Speaking/Reasoned:	YES/NO
	Whether Reportable:	YES/NO