

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32706-2022

Date of decision :-02.08.2022

Shekhar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.V. P. Sangwan, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent-State.

SUVIR SEHGAL, J.

CRM-26408-2022

Application is allowed as prayed for.

Main Case

Vide the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), petitioner is seeking grant of regular bail in case FIR No.0309 dated 20.10.2021, Annexure P-1, lodged at Police Station Dadri Sadar, District Charkhi Dadri for offences under Section 376 (2) (n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short – “the POCSO Act”).

Case of the prosecution is that FIR, Annexure P-1, has been registered on the allegation that the prosecutrix is an orphan and has a low IQ. She was staying with her maternal aunt at village Khatiwas for studies.

While she was there, the prosecutrix was sexually exploited by Shekhar, present petitioner, from May, 2019 to August, 2020. Although, the prosecutrix suppressed this fact, but Sonia came to know of her ordeal and informed the complainant.

Counsel for the petitioner has argued that there is an unexplained delay of one year in the lodging of the FIR and there is no material with the prosecution to support the allegation. He submits that there was a matrimonial dispute between Sonia and Kamal Singh and in order to take revenge from the family of her husband, Shekhar, present petitioner, who is related to Kamal Singh, has been enmeshed in the criminal case. He submits that the petitioner, who has been in custody since 22.10.2021 deserves to be enlarged on bail.

Per contra learned State counsel has opposed the petition by referring to the statement of the prosecutrix recorded under Section 164 of the Code as well as her testimony and medical record.

I have heard learned counsel for the parties.

Prosecutrix is a school going innocent young girl with low mental ability. Taking advantage of this, petitioner has repeatedly sexually assaulted her. Prosecutrix has supported the allegations in her statement recorded before the Magistrate as well as in her testimony. All the material prosecution witnesses have been examined and have deposed on the same lines supporting the version of the prosecution. The prosecution evidence is at an advanced stage and a few official witnesses remain to be examined. There is an apprehension that in case the accused is enlarged on bail, he is likely to abscond.

Keeping in view the nature of allegations against the petitioner, material in possession of the prosecution, gravity of offence allegedly

committed by the petitioner and the fact that a young girl of 12 years of age has been sexually exploited at the hands of a 28 years old mature petitioner, this Court is not inclined to grant the concession of bail to the petitioner during the pendency of the trial.

Petition is sans merit and is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

02.08.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No