

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

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**CRM-M-33845 of 2022
Date of decision : 08.08.2022**

Ramjeet @ Ramjit

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. J.P.Jangu, Advocate, for the petitioner.

Mr. J. S. Chauhan, DAG, Haryana.

VIVEK PURI, J. (Oral)

Custody Certificate of the petitioner has been circulated today and the same is taken on record.

Petitioner is seeking regular bail in the case bearing FIR No.495 dated 27.12.2021, under Sections 6 of the POCSO Act, 2012 registered at Police Station Bilaspur, District Gurugram.

Briefly, as per the allegations, on 26.12.2021 during the night hours, the petitioner who is the father of the victim aged about 12 years was doing wrong activity with the victim.

Learned counsel for the petitioner submits that FIR has been registered at the instance of the mother of the victim. In her statement under Section 164 Cr.P.C., the victim has not attributed any allegation of assault much less sexual assault and penetrative sexual assault upon the petitioner. Furthermore, during the course of trial, the victim as well as her mother have not supported the prosecution version. As per report of Forensic Science Laboratory, no spermatozoa has been detected.

Learned State counsel has opposed the bail on the score that

victim was aged about 12 years and the allegations are against her father. It is further stated that out of 14 , 6 witnesses have been examined.

Although the allegations have been levelled against the petitioner who is the father of the victim but in her statement under Section 164 Cr.P.C., as well as in the trial Court, victim has not supported the prosecution version. Even the mother of the victim who lodged the FIR, during the course of trial, has not supported the prosecution version. Besides, the victim was medically examined but as per report of FSL, no spermatozoa was detected. The petitioner is in custody since for a period of 7 months and 7 days and is not involved in any other case. 6 witnesses still remain to be examined. The conclusion of the trial is likely to take some time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

(VIVEK PURI)
JUDGE

08.08.2022
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>