

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

109

CRM-M-35071 of 2020 (O&M)
Date of decision:19.12.2022

Nirankar Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Karanvir Hooda, Advocate for
Mr. Sudhir Hooda, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL J.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) for grant of regular bail in case FIR No.56 dated 23.01.2020 lodged for offences under Sections 323, 506 of Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”) at Police Station Chandni Bagh, Panipat (Annexure P-1), wherein, later on, Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added.

Case of the prosecution is that above mentioned FIR, has been registered on the statement of father of a 13 year old girl (hereinafter referred to as “the prosecutrix”) on the allegation that at 2.00 a.m., on 23.01.2020, he woke up on hearing the cries of his daughter. When he went downstairs and found that Nirankar, present petitioner was present in the room with his daughter and she alleged that Nirankar had raped her.

Counsel for the petitioner has argued that the petitioner is innocent and has been falsely entangled in the criminal case in order to extract money from him. He has claimed that the complainant uses his children as a tool for this purpose. It is his argument that there are many inconsistencies in the allegation as well as in the evidence led by the prosecution before the Trial Court.

Per contra, State counsel, upon instructions, has opposed the petition by making a reference to the medical report as well as statement of the prosecutrix recorded under Section 164 of the Code and her deposition.

I have heard counsel for the parties and considered their respective submissions.

Petitioner is accused of sexually assaulting an innocent girl, who has barely entered her teens. In her statement under Section 164 of the Code as well as in her testimony, she has been consistent in her stand and stated that the petitioner has sexually exploited her, gagged her with a pair of jeans and threatened her from disclosing the incident to anyone. The prosecutrix has been medically examined and report has been received from the Forensic Science Laboratory, Haryana Madhuban, Karnal to the effect that:-

“The Autosomal STR analysis indicates that DNA profile of seminal stains on source of item No.1 (Jeans) is matching with the DNA profile of Nirankar Singh (Source of item No.4).”

In view of the above clinching material, this Court is of the opinion that arguments of the counsel for the petitioner are a vain attempt to

cast aspersions on the character of the complainant and deserve to be

rejected.

Noticing the nature of allegations against the petitioner, gravity of offence allegedly committed by him and the presumption under Section 29 of the POCSO Act, this Court is not inclined to extend the concession of bail to the petitioner.

Petition being meritless 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.

(SUVIR SEHGAL)
JUDGE

December 19, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes