

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

203

CRM-M-53810-2021 (O & M)
Date of decision:07.01.2022

Mahender

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S. Nain, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J.

Heard through video conferencing.

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.103, dated 20.05.2020 registered for offences under Sections 363, 366-A, 376-AB and 506 of IPC, 1860, and Section 6 of Protection of Children from Sexual Offences Act, 2012, (for brevity hereinafter referred to as “POCSO Act”), at Police Station Jhojhu-Kalan, District Charkhi Dadri.

Criminal law has been set in motion on the basis of a complaint by the father of a young girl on the allegation that Mahender (present petitioner) had allured her and inserted wooden stick in her private part. His daughter came back home and complained of pain. On the asking of her mother, she disclosed the details of the incident to her. During the course of investigation, the petitioner was arrested on 20.05.2020.

Counsel for the parties have been heard.

The victim is an innocent girl child of 05 years of age and she has levelled shocking allegations against the petitioner, who is a mature person of approximately 53 years of age. In her statement recorded under Section 164 Cr.P.C., Annexure P-7, the victim has supported the allegation and she narrated the same history, when she was produced before the Government doctor on 20.05.2020, though her mother declined to get her medically examined. Even though, in the report submitted by the Protection Officer, Annexure P-1, it has been recorded that the victim suffered an injury while playing, but during the course of the examination of both the complainant and his wife, who appeared in the witness-box as PW-4 and PW-5, the witnesses have supported the case of the prosecution. The first petition preferred by the petitioner (CRM-M-16212-2021) was withdrawn, after arguments, on 22.04.2021, Annexure P-9, and there is no change in the circumstances.

Considering the nature of allegations, which are extremely serious and the severity of punishment prescribed for offences alleged under IPC and POCSO Act, this Court is of the opinion that the petitioner does not deserve the concession of bail during the pendency of trial.

Petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.01.2022

(SUVIR SEHGAL)

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JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No