

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

CRM-M No.50975 of 2022

Date of decision: 10th November, 2022

Sahil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Rohit Arya, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition filed by the petitioner under Section 439 Cr.P.C. in case bearing FIR No.34 dated 24.02.2020 registered under Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Bichhore, District Nuh.

Learned counsel for the petitioner, inter alia submits that subsequent to the dismissal of previous petition seeking similar relief vide order dated 05.10.2021, the victim as well as her mother have been examined. It is also submitted that the petitioner has been in custody since 26.02.2021 and ten more prosecution witnesses out of total 19 cited, remain to be examined. Hence, there is no likelihood of the trial concluding in the near future. It has been further vehemently argued by the learned counsel that a highly unbelievable version had been brought forth in the FIR in question annexed as Annexure P-1, by the

complainant that his daughter had been sexually molested by the petitioner after gagging her mouth. It has been submitted that there was a history of enmity between the families regarding some money dispute and that was the reason why a false and fabricated case had been planted upon the petitioner. It has also been vehemently argued that other than the bald allegations leveled in the FIR, there was no other material on record which could in any manner corroborate the allegations of sexual molestation on the victim.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He has submitted that the victim was a young girl of just five years of age. The petitioner was caught red-handed by the complainant while he was sexually assaulting the victim. He has further submitted that the complainant as well as the victim, while stepping into the witness box, reiterated the allegations leveled against the petitioner which finds due corroboration from the report of the FSL wherein not only semen was detected on the clothes of the victim but the DNA report also matched with that of the petitioner. A prayer has thus, been made for dismissal of the instant petition in view of the serious allegations leveled against the petitioner.

I have heard learned counsel for the parties and perused the relevant material on record.

Prima facie, there are serious and specific allegations leveled against the petitioner coupled with the fact that both the

material witnesses including the victim have reiterated the allegations leveled against the petitioner. This Court therefore, does not deem it fit to extend the concession of bail to the petitioner. The petition, as such stands dismissed. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 10, 2022
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No