

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

CRM-M No.884 of 2023
Date of decision: 13th February, 2023

Chaillu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Sidhu & Mr. Mohit Kumar, Advocates
for the petitioner.

Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition of the petitioner filed under Section 439 Cr.P.C. in case bearing FIR No.30 dated 31.03.2021 under Sections 376(2)(f), 376(3) IPC and Sections 6, 10 of Protection of Children from Sexual Offences Act, 2012 registered at Women Police Station, District Hisar.

Learned counsel for the petitioner inter alia submits that the petitioner, who is 53 years old, has been in custody since 05.04.2021 and there is no likelihood of the trial concluding in the near future as prosecution evidence is still underway. He has further submitted that the petitioner has been falsely implicated in the case in hand and it cannot be digested that as per the allegations levelled in the FIR in

question, he would have sexually assaulted and violated his own granddaughter i.e. the victim.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. On instructions, he has submitted that there are serious allegations levelled against the petitioner, who was none other than the grandfather of the victim, aged just 12 years. Learned State counsel on further instructions, submits that the victim had lost her father and had been living with her mother. The victim was called by her grandfather i.e. the petitioner and thereafter her person was violated by him. Learned State counsel has further submitted that the victim while stepping into the witness box as PW-1, supported the case of the prosecution in its entirety. It has also been submitted that trial is nearing completion as only three prosecution witnesses remain to be examined.

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

Prima facie there are serious and specific allegations levelled against the petitioner of having violated the person of his minor granddaughter, who was just 12 years of age at the time of alleged occurrence. The petitioner thus, does not deserve the concession of bail, more so when the trial is nearing conclusion. 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

February 13, 2023

rps

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