

CRM-M-736-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-736-2023
Date of Decision:-04.05.2023

ShivamPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Vikas Kumar, Advocate
for the petitioner

Mr.Brijesh Sharma, AAG Haryana

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.77 dated 30.06.2021, under Section 4 of the POCSO Act, 2012 and Section 506 IPC, registered at Police Station Women Central Faridabad, District Faridabad.
2. In compliance of the order dated 23.02.2023, learned State counsel has filed another status report by way of affidavit of Sh.Abhimanyu Goyat, Assistant Commissioner of Police, Women Safety, Faridabad, dated 15.04.2023, along with copy of the MLR of the prosecutrix as well as copy of the MLR of the petitioner and the other medical reports of the prosecutrix, which are taken on record.
3. Learned counsel for the petitioner has vehemently argued that the testimony of the prosecutrix as well as the complainant has been recorded, in which it is admitted by the prosecutrix that she did not visit any

police station after 14.06.2021 for recording her statement. He also relies upon another letter Annexure P2 in which the complainant as well as the prosecutrix stated that they are fully satisfied that the petitioner did not tease or misbehave with the petitioner and admitted their fault in making phone call at No.100 and they did not want any legal action. By virtue of these documents, learned counsel for the petitioner has tried to build up an argument that the said letter has to be taken to be written on 14.06.2021 itself and, therefore, there was no occasion for the authorities to register the FIR after 16 days of the incident on 30.06.2021. He further submits that the petitioner is in custody since last 01 year and 07 months and further incarceration shall be violating his fundamental right to be released.

4. Per contra, learned State counsel has vehemently opposed the bail and has submitted that victim was 13 years old and there is a cogent evidence in terms of CCTV footage as well as the MLRs to entail the prosecution to get conviction in the matter. There are serious allegations against the petitioner, hence he does not deserve the concession of regular bail.

5. After considering the entire matter and hearing learned counsel for the parties, this Court is of the opinion that the petitioner has not been able to make out a case for grant of regular bail though, in this case, the testimony of the material witness has taken place, but keeping in view the age of the victim and the gravity of the offence, I do not find any merit in the petition.

6. At this stage, learned counsel for the petitioner prays that since the petitioner is a young boy of 22 years and his entire career is at stake, the trial Court may be directed to expedite the trial.

7. Accordingly, the petition stands dismissed. However, in the light of the above, the trial Court is advised to expedite the trial in accordance with law.

04.05.2023

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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No