

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13765-2023 (O&M)
DECIDED ON: 23rd MARCH, 2023

HARUN @ HAROON KHAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Waqar Khurshid, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-12634-2023

Application is allowed, as prayed for.

CRM-12636-2023

Prayer in the present application is for exemption from filing the
certified copies of Annexures P1 to P-9.

Application is allowed, as prayed for.

CRM-M-13765-2023

The jurisdiction of this Court under Section 439 Cr.P.C., has been
invoked for the grant of regular bail to the petitioner in case FIR No. 349,
dated 14.09.2022, under Section 10 of POCSO Act and Section 342 of the
Indian Penal Code, 1860 (for short 'the Act') (Section 6 of POCSO Act has
been added later on and Section 10 has been deleted), registered at Police
Station Ferozepur Jhirka, Nuh.

has been falsely implicated in the present case. It is asserted that the petitioner is a 57 years of age and is undergoing treatment of epilepsy/seizures/fits, therefore, he is not in a condition to commit any such offence as has been alleged in the FIR. In support of the medical ailment of the petitioner, certificates dated 18.10.2022, 07.12.2022, 14.12.2022, 27.12.2022 and 13.01.2023 are attached with the present petition as Annexures P-3 to P-7 respectively. The assertion is that there is a material contradictions in the statements of Munfed and Sajid, recorded under Section 161 Cr.P.C. In his statement Munfed has categorically stated that he had recorded the video clip whereas, the complainant-Sajid has stated that he has recorded the video clip.

The last leg of the argument of learned counsel for the petitioner is that FSL report has been received, which is negative.

Learned State counsel has contended that victim is a 13 years old mentally handicapped boy and Section 6 of POCSO Act has been substituted in place of Section 10 against the petitioner along-with Section 342 IPC. A perusal of FIR clearly depict that the offence committed by the petitioner duly falls within the ambit of Section 342 IPC read with Section 6 of POCSO Act inasmuch as the victim is wrongfully confined by the petitioner in the washroom and he has been found in a naked position whereas the statement of the victim was also got recorded.

Looking into the gravity and seriousness of offence and the role attributed to the petitioner is that he committed sexual assault upon a minor, which is against the order of nature and should be dealt with stern hand, this Court is of the considered view that the petitioner does not deserve the concession of regular bail.

In view of afore-said discussion the present petition is dismissed
being devoid of any merits.

23rd MARCH, 2023
sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>