

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.214

CRM-M-39779-2022

Date of Decision: 30.01.2023

Victim through her natural guardian/father

.... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil K.Nehra, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Aakash Dalal, Advocate for respondent No.2.

TRIBHUVAN DAHIYA, J. (ORAL)

This is a petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for setting aside the order dated 01.07.2022 (Annexure P-1), by which regular bail was granted to respondent No.2 in case FIR No.143 dated 14.10.2021, registered under Sections 354, 376(2) IPC, Sections 6, 17 and 21 of POCSO Act, 2012, at Police Station Women, Bhadurgarh, District Jhajjar.

2. Learned counsel for the petitioner has sought cancellation of bail on the ground that allegations against the accused/respondent No.2 are very serious in nature, the offences alleged are heinous. It is also contended that the trial Court granted bail to the accused without waiting for examination of the victim before trial Court. He has also referred to an FIR No.927 dated 24.12.2021, registered under Section 195-A of IPC at Police Station Hansi City, District Hansi (Annexure P-6), in which allegations of threats by the accused to the petitioner and her family have been levelled.

3. Learned State counsel, upon instructions from L/I Rajesh Kumari, also supported the petition seeking cancellation of bail. She, however, points out that the subsequent FIR in question dated 24.12.2021, has been found to be false after investigation and the police have prepared the cancellation report in that regard.

4. A perusal of the order granting bail by the trial Court (Annexure P-1) shows that relevant factors have been taken into consideration. It is noted that allegations in the FIR pertained to a period about ten years back from the date of lodging of the FIR in question. Even the last allegation is more than six years prior to registration of the FIR. As per the MLR of the victim, her hymen was found intact, therefore, *prima facie* her version stood controverted by the medical evidence on record.

5. As the facts stand today, investigation of the case is complete and trial is going on. The subsequent FIR against respondent No.2/accused has been found to be false. After framing of charges, the trial was fixed for 10.01.2023 for examination of the victim, wherein she did not turn up. Now the trial is fixed for 28.03.2023 for examination and the victim has been summoned to testify.

6. In view thereof, there is no ground to entertain the petition.

7. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

30.01.2023
Maninder

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