

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

219

2023:PHHC:138849

CRM-M-49275-2023

Date of decision: October 31st, 2023

Anoop Garg

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mayank Bajaj, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.416 dated 13.06.2021 under Sections 323, 506 of the IPC and Sections 8 and 12 of Prevention of Children from Sexual Offences Act, 2012, registered at Police Station Sector-7, Faridabad.

2. Mr. Iqbal Singh Saggu, Advocate, has filed power of attorney on behalf of the complainant, which is taken on record.

3. Learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer made by the counsel opposite for extending the concession of bail to the petitioner. Learned counsel submits that it is a matter of record that the trial has not been delayed for reasons attributable to the prosecution but to the petitioner himself as he has been frequently changing his counsel. Learned State counsel has also drawn the attention of this Court to the statement of the victim, which has been annexed as Annexure P-4 and

urged that a perusal of the same leaves no manner of doubt qua the authenticity of the allegations levelled against the petitioner. It has been submitted that though the victim and her parents, who are the material witnesses, stand examined but they have supported the case of the prosecution in its entirety. Learned State counsel has further submitted that the trial is nearing conclusion as only three prosecution witnesses, who are none other than official witnesses, remain to be examined.

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

5. In the wake of the serious allegations levelled against the petitioner of having sexually assaulted a 13 year old girl, who was none other than the friend of his own daughter, this Court does not deem it fit to extend the concession of bail to the petitioner. The instant petition, therefore, stands dismissed.

6. At this stage, a request has been made by the learned counsel for the petitioner that since the petitioner has been in custody for almost 2½ years, the trial Court be directed to expedite the trial.

7. In the circumstances, the trial Court is directed to make earnest efforts to conclude the trial expeditiously, preferably on or before 31.03.2024.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 31st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No