

Neutral Citation No.2023:PHHC:160624

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-56129 of 2023 (O&M)

Date of decision : 14.12.2023

...

Ashok Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Chauhan, Advocate
for the petitioner.

...

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition filed by the petitioner under Section 439 Cr.P.C., seeking concession of regular bail in case FIR No.93 dated 22.4.2021 under Sections 450, 506 of the Indian Penal Code, 1860 and Section 4 of POCSO Act, 2012 (Section 3 of SC/ST Act, 1989 added later on during investigation), registered at Police Station Kasola, District Rewari, after the previous petition, seeking similar relief, was dismissed on 24.2.2022.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 22.4.2021 for having allegedly violated the person of a minor aged about 12 years and 8

months, while she was all alone in her house and her parents were away to work. Learned counsel submits that till date the DNA report has not been received and hence the trial is being delayed on account of the non-examination of the doctors. As prayer has therefore, been made to extend the concession of bail to the petitioner.

3. Notice of motion.

4. On asking of the Court, Ms. Jasleen Chahal, Assistant Advocate General, Haryana, accepts notice on behalf of respondent-State.

5. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, on instructions, has reiterated that allegations levelled in the FIR. She submits that while getting her statement recorded under Section 164 Cr.P.C., soon after the FIR was lodged, the victim had reiterated the allegations levelled against the petitioner. It has also been submitted that as per the FSL report, human semen had been detected on the exhibits, which had been sent, which left no manner of doubt that the victim had indeed been subjected to sexual assault by the petitioner. It has further been submitted that only 4 prosecution witnesses remain to be examined and there is every likelihood that the trial would take not much time to conclude.

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

7. Prima facie, there are serious and specific allegations levelled against the petitioner in the FIR in question, for which he does not deserve the concession of bail. In these circumstances, this

Court does not deem it fit to accept his prayer for being released on regular bail.

8. The petition as such is dismissed.

9. However, the trial Court is directed to make earnest efforts to expedite the trial. The prosecution shall also make an endeavour to produce the DNA report before the trial Court positively on the next date i.e. 4.1.2024, so that the trial is not held up on account of the same.

10. 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.

(MANJARI NEHRU KAUL)
JUDGE

14.12.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No