

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

206

CRM-M-60772-2022 (O&M)

Reserved on:15.11.2023

Pronounced on:22.12.2023

NAWAL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.287 dated 07.07.2021 registered under Sections 363, 366-A of the IPC and Section 6 of the POCSO Act, 2012 at Police Station Adarsh Nagar, Ballabhgarh, District-Faridabad.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner who is 36 years old has been falsely implicated in this case. The prosecutrix had left her house as per her own will as she was given severe beatings by her father. The allegations against the petitioner that he was forcibly having physical relationship with the prosecutrix are false as there is no injury on the body of the prosecutrix as per Medico Legal Report. As per FSL report, only blood was detected on the vaginal swabs and underwear and no semen was found on the said exhibits. He further submits that the

testimonies of the prosecutrix and her father have already been examined, as such, keeping the petitioner in custody during the trial is no more required.

3. Status report by way of affidavit of Munish Sehgal, HPS, Assistant Commissioner of Police, Ballabhgarh, District Faridabad has been filed on behalf of respondent-State, which is taken on record.

4. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations and submits that the prosecutrix is 16 years old and there are serious allegations that the petitioner had sexually assaulted her.

5. No doubt the investigation is complete and the trial is going on, however there are serious allegations against the petitioner. The age of the prosecutrix is 16 years. Both the prosecutrix and her father i.e. PW-1 and PW-2 have supported the prosecution version. As per the status report, the prosecutrix-PW1 has categorically stated that accused took her in OYO hotel and kept her there for 3 days and developed physical relationship with her. The victim is minor and as per the FSL report, blood was detected upon her clothes as well as in the vaginal swabs. The prosecutrix was recovered from the possession of the petitioner. Even as per Medico Legal Report (Annexure R-1), the prosecutrix gave history of sexual assault by a person named Naval Singh, who is the present petitioner.

6. Keeping in view the serious allegations against the petitioner and the fact that he is facing trial under Section 6 of the POCSO Act, 2012 where minimum punishment is provided as 20 years which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine, or with death and

there is apprehension of absconding of the petitioner in case he is released on bail, as such, no ground is made out for releasing the petitioner on bail.

- 7. In view of the above, the present petition stands dismissed.
- 8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22.12.2023
P.Bhatt

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