

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-63284-2023 (O&M)
Date of Decision: 20.12.2023

SUNNY

...Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present:- Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, 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.53 dated 26.02.2021 registered under Sections 363, 366-A, 376 (D)(1)(i) of IPC (Section 342 IPC added later on) and Section 6 of the POCSO Act, 2012 at Police Station Uklana, District Hisar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. He submits that the petitioner is in custody since 28.02.2021. As per the statement of the prosecutrix dated 27.02.2021 (Annexure P-3), which was recorded during the investigation, the prosecutrix has stated that she had a fight with her grandmother as such she left her house and came near Railway gate. There she met her friend Sunny-petitioner, so she stayed with him. Nothing wrong happened to her. On 26.02.2021, police brought her back as her parents had

lodged the complaint. He further contends that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

3. On the other hand, learned State counsel has opposed the bail petition and submits that as per the report of Forensic Science Laboratory, Hisar, human semen was detected on the samples of the prosecutrix, which were sent for examination and the DNA profile of the petitioner got matched with the human semen detected on the said samples. The prosecutrix is minor as she was about 13 years and few days old at the time of the alleged occurrence.

4. Learned State counsel has also informed that 12 witnesses have been recorded and next date of hearing before the trial Court is 06.02.2024.

5. As per custody certificate filed today by the learned State counsel, 3 other FIRs have been registered against the petitioner. FIR No.175/2020 is registered under Sections 323, 354-B and 506 IPC at Police Station Uklana, District Hisar whereas FIR No.153/2018 is registered under Section 379 IPC at Police Station Barwala, District Hisar.

6. Keeping in view the aforesaid facts, gravity of the allegations and previous history of the petitioner, it is not a fit case to grant bail to the petitioner, as such, the present petition stands dismissed.

7. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20.12.2023

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No