



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-7398-2024 (O&M)
Date of decision: 23.07.2024

EHSAN

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Munish Thakur, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.264 dated 17.06.2021 (Annexure P-1) under Sections 363, 120-B IPC and Sections 6 and 17 of the POCSO Act, 2012 registered at Police Station Dabua, District Faridabad.
2. Status report by way of an affidavit of Vishnu Parshad, HPS, Assistant Commissioner of Police, NIT, Faridabad along with copy of progress report (date of birth proof) of the prosecutrix (Annexure R-1), statement of prosecutrix under Section 164 Cr.P.C. (Annexure R-2), MLR of prosecutrix (Annexure R-3) and custody certificate of petitioner (Annexure R-4) as well as custody certificate dated 20.07.2024 filed on behalf of the respondent-State are

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taken on record. As per the custody certificate, the petitioner has undergone 03 years and 23 days of custody as under-trial.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 28.06.2021. He further contends that conclusion of trial will take sufficient time. He submits that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has stated that she has solemnized marriage with the petitioner. The petitioner has been falsely implicated in this case.

4. Learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel has informed that the petitioner is 36 years of age and he is already married.

5. I have considered the aforesaid contentions and perused the paper-book.

6. As per the school certificate (Annexure R-1), the date of birth of the prosecutrix is recorded as 01.06.2006.. Even the prosecutrix in her statement dated 28.06.2021 recorded under Section 164 Cr.P.C. (Annexure R-2) has stated that the petitioner has taken her to his house where they have solemnized marriage. In the history given before the doctor, the prosecutrix has alleged that she was subjected to physical sexual assault by the petitioner. The prosecutrix was recovered after 10 days and she was 15 years of age at the time of the alleged occurrence.

7. Keeping in view the age of the prosecutrix and the attending circumstances of the case, the petitioner is not entitled to bail.

8. As such, the petition stands dismissed.

9. However, keeping in view the fact that the petitioner is in custody for



more than three years, the trial Court is directed to expedite the trial and decide the matter expeditiously preferably within a period of 04 months on receipt of certified copy of this order.

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

(HARPREET KAUR JEEWAN)
JUDGE

23.07.2024
P.Bhatt

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