



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

CRM-M-15982-2024

Reserved on: 31st July 2024

Date of decision: 23rd August 2024

ANKIT @ MONU

.....Petitioner

versus

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present:- Mr. Rohit Singh, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.450 dated 17.07.2023, under Sections 506, 376-AB of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Section 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO Act'), Sections 323 and 376-AB IPC added later on, registered at Police Station Shahabad, District Kurukshetra (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Though he is being tried under Section 6 of the POCSO Act and Section 376-AB IPC, however, the statement of the victim has already been recorded on 07.11.2023, as per which, no offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012, and Section 376-AB IPC is made out against the petitioner. The petitioner is in custody since 18.07.2023. Conclusion of trial is likely to take



time.

3. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. He submits that there are total 14 prosecution witnesses, out of which, 08 prosecution witnesses have already been examined. The minor victim has partly supported the prosecution case.

4. I have considered the aforesaid contentions and perused the paper book.

5. The case was registered on the basis of the statement of father of the prosecutrix, wherein, he alleged that his minor daughter, aged 05 years, was allured by the petitioner and she was taken to a secluded place. The petitioner moved his hand over the head of the victim and then he removed her bottoms and touched her private parts. The petitioner is also alleged to have shown a knife to the victim and threatened her not to disclose the said fact to anybody. The victim reached home while crying and informed her mother about the incident.

6. The age of the victim is 05 years, whereas, the age of the petitioner is 19 years. The statement of the prosecutrix has been recorded during the trial, wherein, she has categorically stated that her private parts were touched by the petitioner and he showed her a knife and asked her to stay there. However, the victim has stated that she does not know the person present on the computer screen. The trial is almost complete. There are total 14 prosecution witnesses, out of which, 08 witnesses have already been examined.

7. As per the status report filed by way of affidavit of Sh. Ram Kumar, HPS, Deputy Superintendent of Police, Shahabad, District Kurukshetra,



on behalf of respondent-State of Haryana, the petitioner is alleged to have demarcated the site where the occurrence took place in pursuance to his disclosure statement. Annexure R-2 is the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein, she has stated that the petitioner put her in jail on the pretext of giving her biscuits. He removed her shorts and placed his bathroom area in her bathroom area. He showed her a knife and told her that if she discloses about this to anyone else, the same will happen again. He told her to come everyday, otherwise he threatened to kill her. She found Monu (petitioner) as filthy.

8. The appreciation of the evidence on record would be done at the time of the conclusion of the trial. Keeping in view the age of the victim and the fact that the offence alleged to have been committed by the petitioner is serious in nature and trial is almost case, the petitioner is not entitled to the grant of regular bail.

9. Consequently, the present petition stands dismissed.

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd August 2024
simran

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>