

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-18857-2024 (O&M)
Date of decision: 07.05.2024

SONU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Ms. Samridhi Sareen, Advocate
for the petitioner.

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.0498 dated 31.12.2020 (Annexure P-1) under Sections 363, 366-A, 376 (2)(n), 376 (3) IPC and Section 6 of the POCSO Act, 2012 registered at Police Station Adampur, District Hisar.
2. Notice of motion.
3. On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the respondent-State.
4. Custody certificate dated 06.05.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 03 years 01 month and 24 days of actual custody.
5. Status report by way of an affidavit of Wazir Singh, HPS, Deputy Superintendent of Police, Law and Order, Hisar along with Copy of MLR of the

victim (Annexure R-1), statement of the prosecutrix under Section 164 Cr.P.C. (Annexure R-2), date of birth certificate of the prosecutrix (Annexure R-3), disclosure statement of the petitioner (Annexure R-4), RFSL report (Annexure R-5), DNA report (Annexure R-6), Custody certificate (Annexure R-7) have been filed on behalf of the respondent-State, which are taken on record.

6. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 12.03.2021. Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. He further contends that the prosecutrix was allegedly recovered after 3 ½ months. The prosecutrix has not supported the prosecution version in her statement recorded under Section 164 Cr.P.C. (Annexure R-2). Even in her cross-examination (Annexure P-3), the prosecutrix has alleged that her marriage was solemnized with the petitioner according to the Hindu rites and ceremonies. The conclusion of trial is going to take time, as such prayer for releasing the petitioner on bail has been made.

7. Learned State counsel has submitted that investigation is complete and final report under Section 173 Cr.P.C has already been presented before the trial Court. 16 witnesses including the prosecutrix have already been recorded. He has further informed that age of the prosecutrix is 14 years since her date of birth is 28.09.2006 as per the school records having been certified by the Head Master (Annexure R-3). He has informed that the prosecutrix has testified during the trial with the allegations of her forcible marriage by the petitioner.

8. I have considered the aforesaid contentions. No doubt the petitioner is in custody for 03 years 01 month and 24 days, however as per the RFSL report (Annexure R-5), human semen was detected on some of the exhibits. Even as per

the DNA report (Annexure R-6), the DNA profile obtained from the clothes of the victim matched with the DNA profile obtained from the blood samples of the accused. The age of the victim is 14 years. The offence under Section 4 of the POCSO Act, 2012 is punishable with minimum imprisonment of 20 years, as such the allegations against the petitioner are serious in nature.

9. The trial is almost complete. The veracity of the prosecutrix and also the effect of her statement in the cross-examination that she alleged to have solemnized marriage with the petitioner is matter of trial.

10. Keeping in view the age of the prosecutrix and gravity of the allegations levelled against the petitioner, no ground is made out to release the petitioner on bail.

11. Consequently, the present petition is dismissed.

12. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

13. The trial Court is directed to conclude the trial preferably within a period of 4 months after receiving certified copy of this order.

14. Pending miscellaneous application (s), if any, shall also stand disposed of. disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.05.2024
P.Bhatt

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