

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26356-2024
DECIDED ON: 23.05.2024

BHURA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J

1. RELIEF SOUGHT

The jurisdiction of this Court under Section 438 Cr.P.C. has been invoked for the grant of anticipatory bail to the petitioner in case bearing FIR No. 276, dated 11.12.2023, under Sections 420, 467, 468 and 471 IPC, registered at Police Station Pinangwa, District Nuh (Mewat).

2. FACTS

The above-said FIR stood registered on the basis of complaint dated 11.12.2023 submitted by the Criminal Ahlmad posted in the Court of Additional Sessions Judge, Fast Track Special Court, Nuh on the allegation that the accused-petitioner has produced forged documents to claim her daughter as minor for the purpose of registration of case under POCSO Act.

3. SUBMISSIONS

ON BEHALF OF PETITIONER

It has been submitted by learned counsel for the petitioner that he has been falsely implicated in the present case, as the petitioner had registered



one FIR under POCSO Act against the accused persons, wherein, they are facing trial. It is further submitted that during trial, the trial Court recorded few statements and on perusal thereof, the petitioner's daughter was found to be a minor. As a result, the trial Court ordered the registration of present case against the petitioner, alleging that he has forged the documents to show his daughter as a minor, just to attract POCSO Act and additional charges.

ON BEHALF OF RESPONDENT-STATE

Learned State counsel has submitted that during the preliminary inquiry, it was found that the petitioner has forged the birth record of his daughter for registration of case under POCSO Act. Hence, the trial Court has rightly ordered for registration of present FIR against the petitioner.

4. CONCLUSION

It is not in dispute that initially the petitioner (father of the victim) filed an FIR on September 27, 2020, under various IPC Sections but later on, when the victim's statement was recorded, she claimed to be 16/17 years old, leading to the addition of Section 8 of POCSO Act. However, when her statement was recorded again on October 20, 2020, on the basis of her Aadhar Card she stated that she is 20 years old. Thus, Section 8 of POCSO Act was deleted. Thereafter, the victim produced a birth certificate dated December 17, 2021, showing her date of birth as November 20, 2004. Earlier, the petitioner has never claimed that his daughter is minor.

Investigation was carried out and the school certificate was found to be forged and the Aanganwari register was found tampered with wherein, the victim's name was found inserted later on, which is sufficient for this Court to infer that the petitioner has manipulated and forged documents to invoke



POCSO Act provisions against the accused. The investigation in the present case is still in progress, and custodial interrogation is needed to determine how and with whose help the petitioner has created these forged documents to deceive the court and legal system.

In view of the discussions made hereinabove, this Court does not find any merits in the present petition. As such the same is dismissed.

However, it is made clear that anything stated therein, shall not be construed as an expression of opinion on the merits of the case.

23.05.2024
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(SANDEEP MOUDGIL)
JUDGE

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