

Sr. No.221

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

**CRM-M-35590-2023 (O&M)
Reserved on: 01st April, 2024
Date of decision: 09th April, 2024**

NAVDEEP CHEEMA**Petitioner**

versus

STATE OF HARYANA**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Atul Ravish, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.746 dated 04.12.2022, under Section 12 of POCSO Act, 2012 and Section 506 IPC, 1860 (Sections 354-D, 354, 506, IPC, 1860; Sections 8, 12 of POCSO Act, 2012 and Section 66-E of I.T. Act, added later on), registered at Police Station Thanesar Sadar, District Kurukshetra (Annexure P-1).

2. The prosecutrix is alleged to be 17 years of age and she moved a complaint against the petitioner on the basis of which, the present FIR was registered with the allegations that the petitioner had been harassing the prosecutrix whenever she goes to attend her tuition for the last about 01 year. The petitioner had been making obscene gestures, which is also affecting the studies of the prosecutrix. On 04.12.2022, the petitioner started roaming around the house of the prosecutrix and used abusive words to her and made obscene gestures. When the parents of the prosecutrix objected to the same, he attacked them by throwing

bricks and stones and threatened to kill them. The petitioner has also threatened to kidnap the prosecutrix.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. FIR No.441 dated 07.07.2022, under Sections 323, 34, 506 IPC, was registered at the instance of aunt (*chachi*) of the prosecutrix namely Radha Rani against her husband (uncle of the prosecutrix). The aunt of the prosecutrix was injured on account of beatings given to her by her husband and as per her medico-legal report (Annexure P-2), the petitioner had assisted the aunt of the prosecutrix and accompanied her to the hospital. The material witnesses have already been examined by the trial Court, as such, there is no apprehension of absconding of the petitioner.

4.1 Status report by way of affidavit of Sh. Pardeep Kumar, HPS, Deputy Superintendent of Police, Traffic, Kurukshetra, filed on behalf of respondent-State of Haryana, which is already on record.

4.2 Learned State counsel has filed custody certificate of the petitioner dated 28.03.2024, which is taken on record. As per the custody certificate, the petitioner is in custody for a period of 11 months and 26 days.

4.3 Learned State counsel has opposed the present petition on the ground that the allegations levelled against the petitioner are serious in nature. Trial is almost complete. There is also history of other criminal cases pending against the petitioner.

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

6. As per the status report, the trial is almost complete. There are total 10 prosecution witnesses out of which, 05 have already been examined and 05

defence evidence and arguments. The prosecutrix is minor. No doubt, the petitioner is in custody, however, as per the custody certificate submitted by the Deputy Superintendent, District Prison, Kurukshetra, Haryana, except the present one, the petitioner is also an under trial in 14 other cases. The petitioner has been convicted in 02 other cases i.e. FIR No.990 dated 16.12.2015, under Sections 323, 324, 325, 307, 148, 149 IPC, registered at PS City Thanesar, District Kurukshetra and FIR No.184/2019 dated 05.05.2019, under Sections 25, 29 of the Arms Act, PS Sadar Thanesar, District Kurukshetra, whereas, the petitioner has been acquitted in 05 criminal cases, the details of which have been mentioned in the custody certificate dated 28.03.2024.

7. The contentions raised on behalf of the petitioner, regarding his false implication due to the help rendered by him to the aunt of the prosecutrix, is a matter of trial. Trial is almost complete and the trial Court is likely to decide the case on merits shortly, as such, keeping in view the number of other criminal cases pending against the petitioner, it is not a fit case to release the petitioner on bail. Consequently, the present petition stands dismissed.

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

9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

09th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No