



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

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CRM-M-51862-2023**Date of decision: May 06, 2024**

SURESH KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Arora, Advocate
with Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana
with Inspector Savita.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.117 dated 12.06.2021 (Annexure P-1) under Section 376(2)(N) of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act (POCSO), 2012, registered at Police Station Women NIT, District Faridabad.

2. Learned counsel for the petitioner has submitted that the victim has brought forth a highly unbelievable and false version against the petitioner. He has submitted that no doubt the victim has reiterated the allegations levelled both in the FIR, which was registered at her instance as well as her statement recorded under Section 164 of the Cr.P.C., however, since all the material witnesses including the victim stand examined, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. Hence, the petitioner be enlarged on bail as he has now been in custody for close to 3 years, having been arrested on 19.06.2021.

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3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that no daughter would level false allegations against her own father, which were reiterated by her when she stepped into the witness box before the learned trial Court; the victim stood her ground and supported the case of the prosecution in its entirety. He, on further instructions, has apprised the Court that only 7 witnesses out of the 15 cited by the prosecution remain to be examined and hence, there is every likelihood that the trial would not take much time to conclude.

4. I have heard learned counsel for the parties and perused the relevant material placed on record including the allegations levelled in the FIR, statement of the victim recorded under Section 164 Cr.P.C. as well as her deposition, which has been annexed as Annexure P-6.

5. *Prima facie*, there are very serious and grave allegations levelled against the petitioner in the FIR in question. As per allegations levelled against the petitioner by the victim, who is none other than his own daughter, she was subjected to continuous sexual assault and rape by him, after she lost her mother at the tender age of 3 years. Even after she got married, her father i.e. the petitioner continued to rape her.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to enlarge the petitioner on bail.

7. The petition stands dismissed.

8. At this stage, a request has been made by learned counsel for the petitioner for directing the learned trial Court to expedite the trial in view of the long incarceration of the petitioner.



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9. In view of the request made, the trial Court concerned is directed to make earnest efforts to conclude the trial expeditiously, preferably within a period of 6 months from today.
10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 06, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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