

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

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CRM-M-53592-2023 (O&M)
Date of decision: 08.05.2024

HAMANSHU ALIAS HIMANSHU

...Petitioner

Versus

UT, CHANDIGARH

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. M.K. Arya, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P. U.T., Chandigarh.

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.205 dated 03.11.2020 (Annexure P-1) under Sections 376(3), 506 IPC and Section 6 of the POCSO Act, 2012 registered at Police Station Sector-36, Chandigarh.
2. Custody certificate dated 08.05.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 01 year and 04 days of actual custody.
3. As per the prosecution case, two years ago when the prosecutrix was minor, the prosecutrix and the petitioner became friends. During their friendship, the petitioner took the prosecutrix to a hotel where he made her consume cold drink having intoxicant and clicked her objectionable photographs. Thereafter, the petitioner had sexually assaulted the prosecutrix threatening her on the ground that

he would make her obscene photos public. When the prosecutrix disclosed this matter to the family members of the petitioner, they assured to solemnize her marriage with the petitioner on attaining her age of majority. Petitioner refused to solemnize marriage with the prosecutrix and also threatened to defame her by making her obscene photographs public on social media.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 05.05.2023. He further contends that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He submits that there is delay in lodging the present FIR and conclusion of trial is going to take time, as such prayer for releasing the petitioner on bail has been made.

5. On the other hand, learned State counsel on instructions from concerned Investigating Officer has opposed the bail petition on the ground of serious allegations levelled against the petitioner. He has informed that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. He has informed that 8 witnesses have been examined, out of which 6 witnesses have been given up and next date of hearing in the trial Court is 27.05.2024.

6. No doubt the petitioner is in custody since 05.05.2023, however the allegations against the petitioner are serious in nature. The petitioner was declared proclaimed offender on 09.07.2021 by learned Judicial Magistrate 1st Class, Chandigarh and arrested on 05.05.2023 on the basis of secret information. The offence alleged to have been committed by the petitioner is against a Child Victim. The trial is almost complete.

7. Keeping in view the gravity of the allegations levelled against the petitioner and considering that trial is almost complete, no ground is made out to release the petitioner on bail.
8. Consequently, the present petition is dismissed.
9. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
10. Trial Court is directed to expedite the trial and decide the same preferably within a period of 3 months from the date of receipt of certified copy of this order.
11. Pending miscellaneous application (s), if any, shall also stand disposed of. disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08.05.2024
P.Bhatt

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