

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-54386-2023 (O&M)
Date of Decision: 19.01.2024

DEEPAK

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. Jagriti Kalia, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.46 dated 18.05.2020 registered under Section 8 of the POCSO Act, 2012 and Sections 323 and 506 IPC (later on converted into Sections 376 and 506 IPC and Section 4 of the POCSO Act, 2012) at Mahila Police Station Panchkula, District Panchkula.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in the present case. The petitioner is in custody since 20.05.2020 and after the completion of investigation, challan has been presented in the Court. He further contends that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.
3. On the other hand, learned State counsel has opposed the bail

petition and submits that as per the allegations levelled in the FIR, the petitioner had sexually assaulted the minor victim, who is deaf and dumb. As such, the petitioner does not deserve the concession of bail.

4. Heard learned counsel for the parties and perused the record.
5. The prosecutrix is deaf and dumb as per the certificate issued by the office of Chief Medical Officer, Jaunpur (Annexure P-5). As per medical examination of the victim (Annexure P-4), the possibility of sexual assault cannot be ruled out. The learned State has informed that 17 witnesses have already been examined and only 1 witness remains to be examined. He has further informed that as per the FSL report, the DNA matched with the victim.
6. Keeping in view the gravity of allegation and the fact that the victim is deaf and dumb, no ground is made out to grant the concession of bail to the petitioner. The petitioner cannot be released on bail merely on the ground that he is in custody for a period of 3 years and 8 months.
7. The present petition stands dismissed.
8. However, the trial Court is directed to conclude the trial within a period of 6 months.
9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

19.01.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No