

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M No.57090 of 2023
Date of Decision: 03.05.2024

Rajesh		... Petitioner
	Versus	
State of Haryana and another		... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chand Ram Olla, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana,
for the respondent-State.

None for respondent No.2.

MANISHA BATRA, J.(Oral)

1. The petitioner who has been booked under and is facing trial for commission of offence punishable under Section 8 of Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”) in case arising out of FIR No.315 dated 07.07.2022 registered at Police Station Chandimandir, District Panchkula, is making prayer for grant of regular bail. This case has been registered against him on the basis of complaint filed by mother of the victim (names of mother and victim withheld) making allegation that the petitioner who is real uncle of the nine years old victim, had sexually assaulted her on 07.07.2022.

2. Learned counsel for the petitioner submits that he is in custody since 07.07.2022. The material witnesses have since been examined. There are no chances of his intimidating the witnesses or absconding as he has a permanent abode. Therefore, it is urged that he may be extended benefit of bail.

Neutral Citation No. 2024:PHHC:061830

3. The respondent No.2-complainant did not appear despite being served.
4. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature as he sexually assaulted his minor niece and the material witnesses have supported the version of the prosecution. Hence, it is argued that his plea for bail is liable to be rejected.
5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.
6. The petitioner who was none other than the real uncle of the victim, is alleged to have sexually assaulted the victim who was a child of tender age of nine years, on 07.07.2022. The statement of the victim has since been recorded and she has fully supported the prosecution version. The trial is at its fag end as all the prosecution witnesses have already been examined and the case is at the stage of producing defence evidence. The allegations against the petitioner are serious in nature. The period of incarceration alone is not a ground to extend benefit of bail to the petitioner. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, it is held that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

03.05.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No