

In virtual Court

CRM-M-13016-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13016-2020 (O&M)
Date of decision: 14.07.2021

Ranbir @ Lala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pardeep Virk, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-17549-2021

For the reasons stated in the application, same is allowed and date of hearing is preponed from 19.08.2021 to today.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.320 dated 23.12.2019 under Sections 354A, 354B, 506 IPC and Section 10 of

POCSO Act, registered at Police Station Hassanpur, District Palwal.

Learned State counsel has placed on record MLR of the victim and the same is taken on record.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Chetram, his daughter 'B' (name not disclosed) aged about 05 years, had gone out to play. The petitioner is his neighbour. When his daughter came back, she was crying and when his wife Sunita inquired from her, as to why she is crying, his daughter told that her uncle (tau) Lala-petitioner had bitten her face and removed her clothes and had given threat to her, if she discloses anything about the same, he would kill her. After registration of the FIR, statement of the victim was recorded, which reads as under: -

“Stated that yesterday Lala took me to his house and he bitten my private part and also bitten my mouth/face. He told me not to disclose about it to your mother. Not told to your uncle. I will give you groundnut and money. There is pain in my private part. Lala is having big teeth. Lala used to consume liquor daily.”

Similar statement was recorded by the victim under Section 164 Cr.P.C.

Learned counsel for the petitioner further submits that there was some money dispute between the petitioner and the complainant and on that account, he has been falsely implicated. Learned counsel has relied upon certain

telephonic conversation between the complainant and one Gopi Ram, to submit that the complainant is demanding some money. Certain affidavits of the villagers are also filed, to submit that the petitioner has been falsely implicated. It is further submitted that even on an earlier occasion, Sunita wife of complainant Chetram had levelled allegations against her brother-in-law Rajender that he used to tease her and later on, she compromised the matter. It is also submitted that the petitioner is in custody for the last 01 year and 07 months and therefore, he may be granted the concession of regular bail.

Learned State counsel has, however, opposed the prayer for bail on the ground that as per MLR of the victim, her ocular version finds support, as the doctor has reported it as a case with history of physical molestation and there was slight redness over the right cheek, however, no bruise or no cut mark were visible. In the examination of Female Genitalia, the doctor noticed as below: -

“Labia Majora: Multiple pin point piteche mark present over labia majora lt side, slight redness over labia majora.”

Learned State counsel thus submits that the MLR do not suggest that it is a case of false implication and till the time, statement of the victim or the complainant is recorded, the petitioner is not entitled to regular bail.

After hearing learned counsel for the parties, I find that the documents/affidavits and conversation relied upon by learned counsel for the petitioner are to be seen during the course of trial, however, considering the

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allegations in the FIR, wherein it is stated that the victim is a girl aged about 05 years and also in view of her MLR, no ground to grant regular bail to the petitioner is made out.

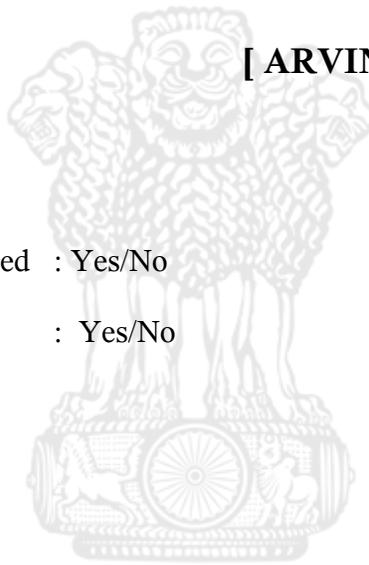
Accordingly, the present petition is dismissed.

14.07.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No



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