

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

CRM-M No.52553 of 2018
Date of decision: 4th December, 2018

Sunil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the accused petitioner Sunil in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.88 dated 05.05.2018 under Sections 376(2)(N), 376(D), 342, 365, 328, 506, 120-B IPC pertaining to Police Station Women Jind, have been levelled by the prosecutrix, a girl aged around 19 years. In her allegations, the prosecutrix claims that on 31.03.2018 her neighbourer Phoolpati served her sugarcane juice and thereafter at around 10:00 p.m. the same very day her condition worsened and she became unconscious and regained consciousness at the house of Phoolpati and at that time Sunil, present petitioner, was present besides Jitender and Bala Devi. The prosecutrix has alleged that Sunil and Jitender had committed rape upon her during that night while Bala Devi had bolted the door, and when the

prosecutrix came out of the room, she was standing outside, consequent upon which the present FIR was got registered.

Learned counsel for the petitioner Mr. Sandeep Gahlawat, Advocate has sought to argue that the statement of the prosecutrix under Section 164 Cr.P.C. and her application which forms the FIR are at much variance and she, by mere suspicion, claims to have been raped by the accused; arguing that the petitioner is behind bars since a long time and there is no tangible medical evidence to support the case of the prosecution.

Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from SI (Ms.) Santosh Devi, Police Station Women, Jind has submitted that there are clear cut allegations of rape of the prosecutrix, a young unmarried girl, by deception and fraud out of a well-hatched conspiracy between the accused and in the light of seriousness of allegations, disentitles the petitioner to any relief.

Appreciating the arguments posed before this Court by the two sides and on a close look of the records shows that in her initial stand taken in the application which forms complaint/FIR, she has levelled specific allegations against the petitioner for having committed rape upon her and to similar effect is the gist of her statement under Section 164 Cr.P.C. (Annexure P3). In the light of the fact that a domestic help from the lower strata of the society has been duped by the accused with a view to satisfy their lust, and such like incidents shudder the very society and

has its own adverse impact, together with the age of the girl and the allegations levelled by her, without feeling the necessity to advert on the merits of the case, this Court is of the opinion that this is not a fit case for grant of bail. As such, the petition being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

December 4, 2018
rps

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