

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

CRM-M-6052 of 2018(O&M)

Date of Decision: 21.02.2018

Karan Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kabul Singh, Advocate
for the petitioner.

Mr. Anmol Malik, AAG., Haryana.

LISA GILL, J (Oral).

This is the petitioner's second petition for bail pending trial in FIR No. 70 dated 26.09.2016, under Sections 328, 376 (2)(f) and 376 (2)(n) IPC, registered at Police Station Women, Jind.

It is submitted that the petitioner has been falsely implicated in this case at the instance of the complainant, who is none other, but his own niece. In-fact, the complainant had friendly relations with one boy (Rajbir) to which the present petitioner had raised objection. Moreover, the medical evidence on record as well as report of the Chemical Examiner, does not indicate commission of rape upon the victim. The victim has since testified before the learned trial Court. It is thus prayed that this petition be allowed.

This petition has been opposed by learned counsel for the State while submitting that there are specific and clear cut allegations against the petitioner by the complainant, who is a young girl aged about 17 years at the time of the alleged occurrence.

I have heard learned counsel for the parties.

As per the allegations in the FIR, the complainant/prosecutrix who is the niece of the present petitioner was studying in Class-10th. The petitioner is admittedly her maternal uncle (Mama). It is stated that she was living with her maternal grand parents and maternal uncle since her childhood. It is stated that about 5/6 years prior to the registration of the case, the petitioner teased her. This fact was informed to her maternal grandmother, who assured that she will talk to him. However, no action was taken in this regard by any of the family members against the petitioner. Thereafter, the petitioner, is alleged to have regularly started committing wrong acts with her by giving intoxicants pills to her. About 5 to 6 months prior to the registration of the FIR, the petitioner and the complainant's maternal grandmother quarreled with her, due to which she went out of the house. She was crying on street when one Rajbir, who was passing by inquired from her and she revealed the situation to him. He advised her to talk to her family members, on which, she disclosed that the matter was already in their knowledge. A day prior to the lodging of the FIR, the complainant's maternal grandfather visited Rajbir's house and told him that he should not instigate the complainant against the family. The complainant's family raised a suspicion of her having some sort of relations with Rajbir, which were denied. She wanted to leave home, but was stopped by the villagers from doing the same. The complainant's maternal grandmother told her that in case, she wishes to reside in the house, she will be treated like this. Thereafter, the complainant went to the house of Sarpanch at night, who advised her to complain to the higher officials. The complainant being desperate came to the plot of her maternal uncle and picked up the bottle of insecticide and wrote a letter, which was handed over

to the police officials standing nearby the house of the Superintendent of Police. She tried to consume the insecticide, but was stopped by the police officials.

There are specific allegations against the petitioner, who is none other, but the maternal uncle (Mama) of the complainant. The prosecutrix has testified before the learned trial Court and has reiterated her version. Reference to the Chemical Examiner's Report, is of no avail to the petitioner as the medical examination was admittedly conducted three months after the alleged sexual assault.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to afford the concession of bail pending trial to the petitioner, at this stage.

Petition is accordingly dismissed.

It is clarified that the observations in this order are solely confined for the purpose of decision of this petition and shall have no bearing on the investigation/trial of the case.

21.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.