

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

CRM-M No.28562 of 2019
Date of decision: 12th July, 2019

Chhatter Pal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Lekh Raj Nandal, Advocate for the petitioner.
Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

By way of this first application under Section 439 Cr.P.C. petitioner Chhatter Pal has sought regular bail in case bearing FIR No.5 dated 30.03.2018 under Sections 376(2)(h), 506 IPC pertaining to Police Station Women Manesar, District Gurugram. The present case was got registered by a married lady in advance pregnancy, alleging that on 30.03.2018 in the afternoon while her husband has gone out, a person aged around 50 years, who was known to cousin of mother-in-law of the complainant, came and while talking told the complainant that since she was pregnant, for successful delivery she requires two operations and since he was bestowed with magical powers he can help her overcome the same. Duped by this talk, the accused placed his hands on the stomach of the complainant and in spite of her refusal raped her against her wishes and while fleeing away threatened her that since he was

having super-natural powers, if she complains to anyone she would not be able to deliver a child.

Learned counsel for the petitioner Mr. Lekh Raj Nandal, Advocate inter alia contends that the petitioner has since been arrested on 22.04.2018 and the trial is likely to be prolonged, arguing further that the prosecutrix happens to be a grown up mature married lady and thus, on the face of it the allegations do not materialize and prays for grant of bail.

On behalf of the State, Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from SI (Ms.) Meena, Police Station Women, Manesar, District Gurugram though has not disputed the facts brought to the notice of this Court but has strongly opposed the grant of bail on the grounds heinousness of the offence and seriousness of allegations.

Appreciating the submissions of the two sides, the allegations on the face of it reflect that the accused petitioner under the guise of having super-natural powers has deceived the gullible complainant, a pregnant lady, and thus, has defiled her. The apprehension of the State that if allowed bail the petitioner would influence the witnesses, is not unfounded. Thus, this Court is of the view that petitioner is not entitled to any relief. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 12, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No