

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

CRM-M No.35581 of 2019

Date of decision: 3rd September, 2019

Subhash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ajay Ghangas, Advocate for the petitioner.

Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Petitioner Subhash has sought regular bail under Section 439 Cr.P.C. in case got registered by way of FIR No.480 dated 14.10.2018 under Sections 376, 452, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pertaining to Police Station Kundli, District Sonapat. The allegations have been levelled by an unmarried girl aged around 19 years alleging that on 12.10.2018 around 11:00 a.m. while she was alone, the accused, a married man aged around 30 years, trespassed into her house and against her wishes defiled her and while doing so had threatened the victim, who is from a lower caste, with dire consequences.

Learned counsel for the petitioner Mr. Ajay Ghangas, Advocate inter alia contends that it is a pure caste-war and that the petitioner who is from a superior caste, has been falsely implicated and

the entire story appears to be highly implausible arguing further that the case has been registered after two days of the alleged occurrence and thus, prayed for grant of bail.

Learned State counsel Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from ASI Dharam Pal has vehemently argued that the corroborative evidence shows presence of semen in the undergarments and vaginal swabs as well as the statement of the girl under Section 164 Cr.P.C. leaves no scope to doubt the role of the accused in commission of the offence.

The contentions of the two sides reflect that from the exhibits, a clear cut proof of presence of semen emancipates. The statement of the girl under Section 164 Cr.P.C. further strengthens the same. The claim that the petitioner is behind bars or it is a caste-war, does not impresses the Court much as the same is subject matter of evidence and cannot be adjudicated at this stage. In the light of heinousness of the offence and seriousness of allegations, disentitles the petitioner to any relief. The petition, being without any merit, stands dismissed accordingly.

(FATEH DEEP SINGH)
JUDGE

September 3, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No