

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

**207**

**CRM-M No.21587 of 2020  
Date of decision:13.08.2020**

Mohit

... Petitioner

Vs.

Union Territory, Chandigarh and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Rikash Goel, Advocate for the petitioner.

Mr. Gautam Dutt, APP, U.T., Chandigarh  
for the respondent.

**SUVIR SEHGAL J. (ORAL)**

The hearing of this case has been taken up through video conferencing due to Covid-19 Pandemic.

The petitioner has approached this Court for regular bail under Section 439 of the Code of Criminal Procedure in case FIR No.343 dated 08.11.2019, Annexure P-1, under Section 376(3) of IPC (377, IPC added later on) and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Section 17, Chandigarh. Before approaching this Court, the petitioner had filed applications seeking regular bail before the Sessions Court which were dismissed on

31.01.2020 and 17.06.2020, Annexure P-26.

As per the version of the prosecution, FIR was registered on the statement of the prosecutrix-victim (name withheld), aged 14 years, wherein she stated that she is a student of Class IX in a local school. She came in contact with Mohit (petitioner herein) through Snapchat and they started chatting on Whatsapp. On 06.11.2019, they met each other near Kiran Cinema, Sector 22, Chandigarh and the following day, on 07.11.2019, he called her again to that Sector. He came in a black car and took the victim along with him. They dropped the younger cousin of the prosecutrix who was accompanying her, near Kiran cinema. On the suggestion of the petitioner, the victim handed her mobile phone to her brother. The petitioner then took her to a deserted street in the Sector and performed unnatural acts using force with her. The victim has given details of the incident in the complaint to the police. In the meantime, the victim's mother called up on Mohit's phone and he panicked and dropped the victim near Kiran Cinema. On reaching home, the victim narrated the incident to her mother. During investigation, the petitioner was arrested on 08.11.2019 and is behind bars since then.

Counsel for the petitioner has argued that a false and fabricated FIR has been registered against him. He points out that there was a delay of 8 hours in the registration of the FIR. The petitioner and the victim knew each other before hand and the incident as alleged never took place. The FIR, according to the counsel, was registered to put pressure on the petitioner. He urges that a perusal of the FIR shows that the offences alleged are not even made out. According to the counsel, the challan has

already been filed and the trial is yet to begin, therefore, the petitioner deserves to be enlarged on bail.

Opposing the petition, learned counsel appearing for the Union Territory, Chandigarh, upon instructions from ASI Avtar Singh has submitted that there is no reason for the victim to frame the petitioner. He has submitted that very specific allegations have been levelled by the victim, who is a minor, wherein she has described the incident in detail and corroborated it with her statement before the Magistrate. He has further referred to the report of the Central Forensic Science Laboratory. State counsel submits that the challan was filed on 27.01.2020 and thereafter, a supplementary challan was filed. The trial is now fixed for 07.09.2020 for framing of the charges.

I have considered the rival submissions of the parties.

The victim has given explicit details of the horrendous incident in her complaint and has categorically named the petitioner as the sexual predator. She has supported her complaint with her statement recorded by the Magistrate under Section 164 of Cr.P.C. on 08.11.2019, Annexure P-2. The Magistrate has certified that the victim has deposed voluntarily and without any pressure and that she has signed her statement after it was read over to her and after finding it to be correct. The Central Forensic Science Laboratory (CFSL) has given a forensic DNA test report dated 22.01.2020, Annexure P-15, with the observations that the presence of semen is confirmed on some of the exhibits including the undergarments of the victim. It has been further reported by the CFSL that the DNA profile recovered from the exhibits is consistent with the

DNA profile of the victim and that of the petitioner.

In view of the report of the CFSL, the probability of the involvement of the petitioner in the appalling crime cannot be ruled out.

Considering the gravity of the offence and the fact that the victim is less than 16 years of age, this Court is of the view that the concession of regular bail cannot be extended to the petitioner. This petition is accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

**13.08.2020**

pooja saini

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No

**Whether Reportable : Yes/No**