

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

CRM-M-23546 of 2020

Date of Decision: 18.11.2020

Shiva

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Monika Jangra, Advocate for the petitioner.

Mr. Rajiv Sidhu, AAG, Haryana.

HARINDER SINGH SIDHU, J

Prayer is for grant of bail in case FIR No.798 dated 02.12.2018 under Section 376 IPC registered at P.S Meham, District Rohtak.

FIR was registered on the statement of complainant-Saroj, who alleged that the petitioner committed wrong act with her daughter.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated and that no specific allegation has been levelled in the FIR against the petitioner and that he is in custody since 02.12.2018.

Opposing the petition, learned State counsel submits that charges have already been framed and the case is fixed for prosecution evidence.

Having heard the learned counsel for the parties and taking into consideration the factual matrix, this Court notices that the learned Addl. Sessions Judge has dealt with all the aspects while dismissing the application filed by the petitioner. The gravity of the offence alleged is

severe and the evidentiary value of the statements of witnesses will be determined by the trial court at the appropriate stage. Moreover, from the perusal of FIR, it is apparent that the petitioner, who has been attributed specific active role, committed rape on the prosecutrix, who was aged about 15 years at the time of alleged incident whereas the petitioner was 22 years of age. The trial is at a very crucial stage. Therefore, the apprehension of the prosecution that, if released on bail, the petitioner may hamper the trial, cannot be ignored. Moreover, there is nothing on record to suggest that the victim in the instant case had any motive to falsely implicate the petitioner.

Keeping in view the allegations leveled against the petitioner, and considering the gravity of offence, this court is not inclined to grant the relief.

Dismissed.

November 18, 2020
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No