

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

CRM M-26535 of 2020 (O&M)

Date of Decision: December 04, 2020

Arjun @ Bintu

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vikas Malik, Advocate
for the petitioner.

Mr. Pankaj Midha, Addl. A.G. Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner Arjun @ Bintu has come in this third regular bail application under Section 439 Cr.P.C. moved in FIR No. 156 dated 12.03.2018 under Sections 302, 364, 366, 307, 376 and 34 IPC registered at Police Station City Bhiwani, District Bhiwani the first two having been dismissed as

withdrawn and dismissed for non-prosecution on 07.05.2019 and 06.03.2020, respectively.

The allegations of complainant Kamlesh mother of deceased a 20 years old student is that on 10.03.2018 in the morning at about 09.00 a.m. her daughter had gone on her Scooty bearing registration No. HR16T-8931 for her coaching but did not return. In spite of frantic efforts, the girl could not be located. Subsequently, it was revealed that daughter of the complainant namely Anu was admitted in Sunflag Hospital Rohtak where she had been brought by two boys whose names were revealed as present petitioner and non/applicant-Naveen. The complainant further illustrates that the accused Arjun and Naveen alongwith their friends had enticed the deceased and took her to a place where she was gang raped and, thereafter, fearing prosecutrix had been killed by hanging.

Mr. Vikas Malik, *inter alia*, contends that the petitioner is behind the bars for more than 02 years, 08 months and 21 days and that neither he is named in the FIR nor there is any strong evidence to connect him with the commission of the offence. It is further pleaded that due to Covid-19 there is every likelihood that the trial would take a long time.

Mr. Pankaj Midha, Addl. A.G. Haryana has strongly opposed the bail on the grounds of heinousness of the offence and the fact that there is strong circumstantial evidence by way

of report of forensic science laboratory and presence of semen on the garments of the deceased besides recovery of obscene photos of the girl from the accused on disclosure statement and, therefore, if allowed bail would influence the trial.

Be so as it may, there is positive evidence by way of presence of spermatozoa on the clothes of the deceased besides recovery of obscene photos of the girl on the disclosure statement of the accused and other circumstances brought to the notice of this Court.

In view of the seriousness of the allegations and the offence, no case is made out for grant of bail.

The petition, accordingly, stands dismissed.

December 04, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No