

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

CRM-M-26214-2020

Date of decision : 26.10.2020

HARJIT SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Dhananjay Mittal, Advocate, for the petitioner.
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.91 dated 25.07.2019 under Sections 342, 376 and 506 of the Indian Penal Code, 1860 and Sections 25, 27, 30, 54 and 59 of Arms Act, 1959 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) registered at Police Station NurpurBedi, District Rupnagar.

It has been contended by learned counsel for the petitioner that the MLR was conducted after 25 days and spermatozoa found has not been linked to the petitioner.

Learned State counsel has filed the status report by way of an affidavit of Raminder Singh Kahlon, PPS, Deputy Superintendent of Police, Sri Anandpur Sahib, District Rup Nagar wherein it has been stated that the petitioner took the Prosecutrix to the hotel room and thereafter took out a revolver and forced the victim to have sexual intercourse with him. The details of the hotel room where the Prosecutrix was taken have also been verified by the Investigating Officer. It is also stated that the Chevrolet Cruze car No.PB65-Z-2020 used by the

petitioner was also taken into possession and one country made revolver along with 14 live cartridges were also recovered from the petitioner. During investigation, it has also been found that the petitioner had taken the Prosecutrix to Chandigarh Grand Hotel, Mata Mansa Devi Complex, Panchkula on 01.07.2019 where they stayed in Room No.223 between 12.10-2.00 pm. Further, the supplementary statement of the Prosecutrix was got recorded on 26.07.2019 wherein it has been alleged that after the sexual assault on 01.07.20019 in the hotel room, the petitioner blackmailed her and, after some days of the aforesaid incident, again assaulted her sexually near Sawan Bridge at an abandoned place against her wishes by threatening her.

I have heard learned counsel for the parties.

As per the allegations, the petitioner had assured the father of the Prosecutrix, who was studying in Class X, that he knew some officers in the Punjab School Education Board and, being the President of the Congress party of the area, he could get her to clear the re-appear examination. The petitioner, thereafter, instead of taking her to meet the Officer of the Education Board took her to a hotel room, locked her and at gun point committed rape upon the Prosecutrix.

The argument raised by the learned counsel for the petitioner that the MLR was conducted after 25 days and hence the case set-up was doubtful is rejected on the ground that serious allegations have been made in the FIR which find corroboration on investigation. The details of the hotel room where the Prosecutrix was taken have come to fore during the course of the investigation. The country made revolver and the car have also been recovered from the petitioner.

Keeping in mind the nature of the grave allegations against the petitioner and the stage of the case, I do not find it to be a fit case for grant of bail. Hence, the present petition is, accordingly, dismissed.

It is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case.

Dismissed.

October 26, 2020
kv

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No