

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

211

CRM-M-2433-2021

Decided on : 22.01.2021

Pardeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Abhishek Yadav, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Nanhi.

MANJARI NEHRU KAUL, J. (Oral)

The instant petitioner has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 15, dated 10.04.202003, under Sections 4, 6 of the Protection of Children From Sexual Offences Act, 2012 and Sections 34, 363, 366-A, 376, 376 DA, 506 IPC, registered at Women Police Station Hansi, District Hansi.

Learned counsel for the petitioner contends that totally false allegations have been levelled against the petitioner in the FIR in question. Further contends that a perusal of the FIR reveals that no overt act has been alleged *qua* the petitioner of sexually assaulting the victim. Learned counsel has therefore prayed for grant of concession of regular bail to the petitioner, as he has been in custody since 12th April, 2020 and only challan has been presented till date.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Nanhi, has submitted that the petitioner was an active participant in the

crime in question, inasmuch as, the petitioner along with the co-accused drove the 14 years old victim to the grain market, where, she was sexually violated by the co-accused. He has further submitted that though there are no allegations of the petitioner sexually assaulting the 14 years old victim, however, the fact remains that after dropping the victim at the grain market, with the co-accused who then raped her, he left the place on his motorcycle.

Heard.

Prima facie, there are serious allegations levelled against the petitioner in the FIR in question, which clearly reflects his participation in the crime in question. Not only this, even in the 164 Cr.P.C. statement recorded by the victim subsequent to her recovery, she has specifically named the petitioner and attributed a role to him in the crime in question, for which, he does not deserve the concession of regular bail.

Petition stands dismissed accordingly.

However nothing contained herein shall be construed as an expression of opinion on the merits of this case.

(MANJARI NEHRU KAUL)
JUDGE

January 22, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*