

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

CRM-M-2808-2021

Date of decision : 10.09.2021

Dildar Sahohta @ Dara

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.10 dated 21.01.2020, under Sections 376(3), 506, 363, 366 IPC and Section 4 of Protection of Children from Sexual Offence Act, 2012, registered at Police Station Mahilpur, District Hoshiarpur.

It has been contended that the FIR in question has been registered on the statement of the victim, who is 15 years of age. He submits that as per the allegations, one Prince son of Shamlal forcibly took the victim on motorcycle and thereafter, committed rape with her on 20th January, 2020. Thereafter, statement of the prosecutrix under Section 164 Cr.P.C. was also recorded. He submits that the petitioner was not found to be named in the FIR as well as in statement under Section 164 Cr.P.C. and the ocular version is also not medically corroborated. He

further submits that as the petitioner is behind bars since 6th September, 2020, he deserves to be enlarged on bail.

Mr. M.S. Nagra, AAG, Punjab for the State has vehemently opposed the arguments raised by learned counsel for the petitioner and has submitted that during investigation, on 21st October, 2020, the supplementary statement of the victim was recorded wherein, she has submitted that she named Prince as the accused in the FIR on the threat of the present petitioner-Dildar Sahota @ Dara. She submits that it was the petitioner-Dildar Sahota @ Dara, who committed rape with her. Thereafter, the allegations in the supplementary statement were investigated and call details of the petitioner were also examined and as the allegations were found to be substantiated, the challan against the petitioner was submitted to the Court of competent jurisdiction.

Learned State counsel further submits that in all there are 27 prosecution witnesses cited in the challan and the victim has already been examined, who has supported the case against the petitioner. He vehemently opposes the prayer made by counsel for the petitioner as the victim is hardly 15 years of age.

In the overall facts and circumstances of the case, I find that the petition being devoid of any merits, is hereby, dismissed.

(RAJESH BHARDWAJ)
JUDGE

10.09.2021
m. sharma

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