

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

Sr. No.203

**CRM-M-3176-2021
Date of Decision: 27.01.2021**

GAURAV

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Rajesh Duhan, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is a petition under Section 439 Cr.P.C. filed by the petitioner-Gaurav, thereby seeking regular bail in case bearing FIR No.530 dated 12.05.2020 under Section 10 of Protection of Children from Sexual Offences Act and Sections 323, 363, 354-A, 511 and 34 of Indian Penal Code, registered at Police Station City, Panipat.

Notice of motion.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

As per version of the prosecution on 11.05.2020, the prosecutrix had gone out of her house to attend the call of nature and while she was returning back, the present petitioner, namely, Gaurav, along with his two associates, namely, Krishan alias Balu and Sandeep, had come close

to her and gagged her mouth and forcibly took her away at some distance from her house and they had thrown her on the ground. They removed her shirt, vest and then tried to untie her *salwar* and to commit rape with her. They had also kissed her and also touched her breast. When she raised alarm, co-accused Sandeep threw a brick upon her, which caused injury on her left eye. All the three accused threatened her with dire consequences, if she disclosed the occurrence to anyone. However, the prosecutrix was rescued by her mother, who reached the spot.

Now, it is submitted by learned counsel for the petitioner that petitioner has been falsely implicated. Even, challan has been presented in the present case and charge has also been framed. He further submitted that the petitioner is in custody since 15.05.2020. Also, it is submitted that due to pandemic situation, the conclusion of the trial is likely to take time. As such, a prayer has been made for grant of regular bail.

However, claim for bail is resisted by learned State counsel and she submits that though challan has been presented and charge has been framed, but statement of the prosecutrix has not been recorded. In fact, no witness has yet been recorded. Also, it is submitted that the petitioner is a resident of the same locality as that of the victim and in the eventuality of he being released on bail, there is likelihood of the petitioner extending threats to the victim, as well as to the other witnesses to refrain them from deposing against him and the other accused.

Even though, challan has been presented and the charge has been framed, but statements of witnesses, is yet to be recorded. Even, the prosecutrix is yet to depose in the Court. The prosecutrix was of 14 years of age at the relevant time. Though, the plea of false implication has

been raised, but it is too early to comment upon the genuineness of the plea, so taken.

Considering the conduct of the present petitioner and his fellow accused vis-a-vis the prosecutrix and also considering the stage of the case, at this stage, no case is made out for grant of regular bail. Consequently, the present petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

27.01.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No