

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

CRM-M No.2713 of 2020 (O&M)

Date of Decision:15.07.2021

(Heard through VC)

Hanni @ Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Hooda, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.184 dated 25.09.2018 registered under Sections 376, 363, 366A, 120, 506 IPC and Section 4 of the POCSO Act, 2012 at Police Station Hassanpur, District Palwal.

Counsel for the petitioner would contend that petitioner has been falsely implicated in the said matter and has been in custody since 30.10.2019. It is argued that an FIR came to be registered on the statement made by Jai Singh that his daughters, namely X aged 23 years and Y aged 14 years were missing. It is submitted that both the girls were eventually recovered and custody of them was handed over to the parents. At that time, their statements were recorded under Section 164 Cr.P.C. where they stated that they have gone to Patna for an excursion of their own and of their own freewill. Thereafter, a quarrel took place between Jai Singh and brother of the petitioner i.e. Vikram Singh, who suffered bullet injuries. Consequent to which an FIR No.200 under Sections 148, 149, 307, 323 IPC

and Section 25/54/59 of Arms Act dated 28.10.2018 came to be registered against the complainant-Jai Singh. Thereafter, petitioner has been arrested on an allegation of rape just to create a pressure for a compromise in FIR No.200 dated 28.10.2018.

Learned counsel for the respondent-State opposes the grant of regular bail by contending that statements of both the girls were recorded on 31.01.2019 where specific allegations have been made against the petitioner herein of having done a wrong act, apart from the fact that they had been kept into custody for a period of 15-16 days. Counsel appearing on behalf of the respondent-State would also rely upon the the FSL report dated 18.03.2020 which would reflect DNA profiling of semen stains on the Salwar of the minor.

I have heard learned counsel for the parties and taking into consideration the totality of the circumstances of the instant case, especially when the statement of the prosecutrix is yet to be recorded, this Court does not find any ground for allowing regular bail to the petitioner at the present moment.

Consequently, the instant petition stands dismissed.

July 15, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No