

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

214

(Through Video Conferencing)

CRM-M-5060-2021

Date of decision: 28.09.2021

Raj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.S. Kahlon, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.25 dated 02.03.2019 lodged under Section 376 of the IPC read with Section 4 of the POCSO Act registered at Police Station Division No.5, District Jalandhar.

Learned counsel for the petitioner inter alia contends that the a perusal of the contents of the FIR leaves no manner of doubt that the victim aged 16 years and the petitioner were in a love affair with each other and would meet often as well as travel to various places together. He further submits that the petitioner had been falsely implicated in the case in hand only because victim had been pressurizing him to take her away from her house and marry him whereas he had refused to do so. He, thus, submits that the allegations of rape against the petitioner are without any substance. He further

submits that in the facts and circumstances, the petitioner be extended the concession of bail as he has been in custody since 03.03.2020 and there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while vehemently opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sudesh Kumar, has submitted that there are specific allegations levelled against the petitioner of having forcibly committed rape upon the victim, aged 16 years. He has further submitted that the victim had reiterated the allegations levelled against the petitioner not only in her statement recorded under Section 164 of the Cr.P.C. but also during her deposition before the trial Court when she stepped into the witness box as PW-1. He has also submitted that the medical evidence further corroborates the case of the prosecution. Learned State counsel has prayed for dismissal of the instant petition by urging that since the victim admittedly was a minor on the date of alleged occurrence her consent, if any, would be inconsequential.

Learned State counsel has apprised the Court that 8 out of the 16 prosecution witnesses cited stand examined and, thus, there is every likelihood that the trial would not take much time to conclude.

I have heard learned counsel for the parties as well as perused the material on record.

Prima facie there are specific and serious allegations levelled against the petitioner of having committed rape upon the victim which finds further corroboration from the medical evidence as well.

In view of the facts and circumstances as enumerated

hereinabove, this Court does not deem it a fit case to extend the concession of bail to the petitioner.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

28.09.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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