

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

**CRM-M No. 8261 of 2021
Date of decision: 22.02.2021**

Mahesh Petitioner.

Versus

State of Haryana Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Keshav Pratap Singh, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 548 dated 24.11.2020, under Sections 363, 366-A and 506 of the Indian Penal Code, 1860 ('IPC' - for short) (Section 506 IPC and Section 4-7 of the Protection of Children from Sexual Offences Act, 2012, were added later on), registered at Police Station Sector 58, Faridabad, District Faridabad.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated as on the date of incident, i.e. 23.11.2020, the petitioner was present in his house and only at night he had gone to attend a 'sagun' ceremony. He has referred to the copy of the photographs at Annexure P1. He also contends that the petitioner is not named in the FIR and has been arraigned as an accused only because the complainant later on had named him in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' - for short).

Heard.

It is apparent that the statement of the victim was recorded by the

Judicial Magistrate 1st Class under Section 164 Cr.P.C. wherein she had specifically named the petitioner. The allegations are that co-accused, namely, Yogesh after blackmailing and threatening her had committed sexually assault on her. Insofar as the contention of learned counsel for the petitioner that the petitioner was present at his house and had not left his house at the time of occurrence is concerned, I do not find any merit in this contention, as the incident is alleged to have taken place on 23.11.2020 and it is possible for the petitioner to have left his house from another gate or through the neighbours' premise and no reliance can be placed on the CCTV footage at this stage. The petitioner is stated to have attended 'sagun' ceremony at night while the occurrence is stated to have taken place in the morning. In view of serious allegations against the petitioner, I do not deem it to be a fit case to grant the concession of anticipatory bail to the petitioner.

Consequently, the petition stands dismissed. However, it is clarified that nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

(ANUPINDER SINGH GREWAL)
JUDGE

22.02.2021
Ramesh

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