

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 11013 of 2021

Date of Decision: 01.7.2021

Mahabir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 577 dated 2.9.2020 under Sections 376-D, 342, 506 IPC and Section 6 of the POCSO Act, 2012 registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner submits that there is an unexplained delay of ten months in lodging the present FIR; that the petitioner has been in custody since 14.9.2020; that challan was presented and charges have been framed.

Learned counsel for the petitioner further submits that a compromise has been effected between the petitioner and the complainant/victim wherein the victim stated that she is major and has no grudge against the petitioner; that moreover there is no injury on the person of the complainant/victim; that neither there is any force or resistance; and that the photographs are not with the petitioner.

On the other hand, learned State counsel submits that there are specific allegations of rape against the petitioner, who is the cousin of Surender, who was having love affair with the victim and against both the accused there are specific allegations of rape and the photographs of the victim were also made viral on the whatsapp.

I have heard the learned counsel for the parties.

In the present FIR, there are specific allegations of rape against the petitioner and co-accused Surender. In the FIR, the victim also stated that due to threat and fear, she could not disclose about the incident to her family members. The photographs of the victim were also made viral on the whatsapp. The allegations against the petitioner are serious in nature.

No ground for grant of regular bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

July 01, 2021
Gurpreet

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