

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8735-2020 (O&M)
Date of Decision: 04.08.2021

CHANDRA PRAKASH @ TITU

.....*Petitioner*

V/s.

STATE OF HARYANA

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Gourave Bhayyia Gilhotra, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.94 , dated 06.07.2019 lodged under Section 6 of the POCSO Act and Section 506 of the Indian Penal Code, 1860 registered at Police Station Sector-16-A, Central (Faridabad), District Faridabad, Haryana.

Learned counsel for the petitioner submits that the petitioner has been in custody since 06.07.2019 on the false allegations of having committed rape on his neighbour's daughter aged 13 years. He submits that it is unbelievable that the petitioner could have indulged in any such act as he was a family man residing in his house with his wife and children and the victim too was residing with her mother and siblings. He further submits that trial is unlikely to conclude in the near future as the prosecutrix and her mother are yet to be examined and hence he be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner has on instructions SI Maya has apprised the Court that both the material witnesses i.e the victim, aged 13 years and her mother have fully supported the case of the prosecution in its entirety. She further submits that the 13 years old victim was found to be pregnant and as a result of which her fetus had to be aborted. She has further submitted that the delay in the conclusion of the trial has been on account of the outbreak of the COVID-19.

Heard.

Prima facie, there are serious allegations leveled against the petitioner of having raped a 13 year old girl for which he does not deserve the concession of regular bail. In view thereof, the petition stands 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.

August 4, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>