

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

CRM-M-15243-2021 (O&M)

Date of decision: 09.04.2021

Rahul

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Durga Dutt Sharma, Advocate for the petitioner.

Mr. H. S. Sitta, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 83 dated 20.06.2019 registered under Sections 376-D, 376-D(a), 376(2)(n), 506, 34 IPC and Section 6 of the the Protection of Children from Sexual Offences (**POCSO**) Act, 2012, and Section 67 of the Information and Technology, Act, 2000, at Police Station Phase-11, District Mohali.

Learned counsel for the petitioner states that the allegations levelled in the complaint are general in nature and there is no specific allegation against the petitioner. There is a delay of more than one year in registration of the FIR. The petitioner has been in custody since 26.06.2019 and the challan has already been presented.

On the instructions from Inspector Bhagwant Singh, learned State counsel has not disputed the factum of the custody period of the petitioner. He, however, states that three co-accused are yet to be arrested and there are specific allegations against the petitioner that he along with Puran, Ajay, Kalu and one unknown person had committed gang rape upon the prosecutrix forcefully. He draws the attention of this Court towards the statement of the prosecutrix that on the pretext of obscene videos, the accused persons continued committing rape upon her. Moreover, the testimony of the prosecutrix is yet to be recorded by the trial Court.

I have heard the learned counsel for the parties.

There are specific allegations against the petitioner and his co-accused regarding committing of a gang rape upon the prosecutrix. The prosecutrix is yet to be examined and in the cases of the offence of Section 376 IPC, the testimony of the prosecutrix is of vital importance. The allegations levelled against the petitioner are serious in nature.

Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

09.04.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No