

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-17122-2021
Decided on : 08.07.2021

Rohit @ Gaurav

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepkaran Dalal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.643 dated 04.12.2020 registered under Sections 323/34, 354-D, 376, 450, 506 IPC and Section 4 of POCSO Act, 2012 at Police Station City Palwal District Palwal.

Learned counsel for the petitioner inter alia contends that a false case has been planted upon the petitioner by the complainant on account of the fact that the petitioner happens to be the landlord of the premises where the victim along with her family was residing. He further submits that MLR of the victim falsifies the allegations levelled against the petitioner with respect to the crime in question. He submits that as per the allegations, the victim was threatened at knife point and thereafter her person violated by the petitioner, however, no recovery of such knife was effected during investigation, which further lends credence to his false implication in the crime in question. Hence, a prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. While drawing the attention of this Court to the reply filed, she has reiterated the submissions made therein. She has further referred to the statement of the victim recorded under Section 164 Cr.PC wherein she has given an explicit detail of the continuous acts of rape and sexual assaults carried out on the prosecutrix by the petitioner. Still further, she has invited the attention of this Court to the FSL report annexed as Annexure R-3 alongwith the reply wherein it has been observed that “human semen was detected on exhibit -5 (underwear).” She has further referred to the MLR (Annexure P-3) wherein also the doctor has opined that “possibility of sexual assault cannot be ruled out and depends on semen and DNA analysis of supplied cloth and swabs and circumstantial evidences”.

Heard.

Prima facie there are serious and specific allegations levelled against the petitioner of having subjected the victim to repeated sexual assault by extending threats of dire consequences. In the circumstances, no ground is made out to extend the concession of bail to the petitioner. Accordingly, the present 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.

(MANJARI NEHRU KAUL)
JUDGE

08.07.2021
sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No