

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

218

**CRM-M-17361-2021 (O&M)
Decided on : 10.11.2021**

Deepak

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Savita Rana, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana
assisted by SHO Avtar Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 112, dated 17.09.2020, under Sections 354-A, 376 of IPC (later on amended to Section 354-A, 376-D of IPC), registered at Police Station Sadar, District Panipat.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand by the prosecutrix, by giving a twisted version in the FIR in question. It has been submitted that the husband of the prosecutrix was averse to her friendly relations with co-accused Anil and seeing her interacting with said Anil on 22.07.2020, an ugly scene was created by the husband of the prosecutrix, as a result of which, the petitioner tried to intervene and pacify both the sides. However, later on at the behest of her husband, the prosecutrix came up with a concocted story that the petitioner along with the co-accused after gagging her had pulled her to a kotha, wherein, both of them then committed rape upon her turn by turn. A prayer has been made that the petitioner, who has been in custody since 25th September, 2020,

be extended the concession of bail, as there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by counsel opposite. Learned State counsel on instructions from SHO Avtar Singh, has submitted that there are serious and specific allegations levelled against the petitioner as well as the co-accused of abducting the prosecutrix and thereafter committing gang rape upon her. Learned State counsel has further submitted that since the material witnesses including the prosecutrix have not yet been examined, if the petitioner is extended the concession of bail, there is every likelihood that he would try to influence the witnesses to depose in his favour and also tamper with material evidence.

I have heard learned counsel for the parties and perused the material on record.

In the wake of serious and specific allegations levelled against the petitioner of abducting and thereafter raping the prosecutrix at knife point, this Court is not inclined to extend the concession of bail to the petitioner.

Petition stands dismissed accordingly. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 10, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*