

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

223-A

**CRM-M-21562-2021 (O&M)
Decided on : 29.11.2021**

Ashwani Sharma

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. B.D. Sharma, Advocate for
Mr. Munish Jolly, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by ASI Meenu Rani.

Mr. Ranbir Singh, Advocate
for the complainant.

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. 114, dated 01.12.2020, under Sections 120, 323, 376, 506 of IPC, registered at Police Station Women Police Station, Karnal.

Learned counsel for the petitioner contends that the false implication of the petitioner in the crime in question is evident from the fact that there was a delay of six months in the lodging of the FIR in question against him from the date of alleged occurrence. It has been submitted that there was no corroborative evidence, much less, medical to support the factum of the prosecutrix having been raped, as had been alleged in the FIR in question. Learned counsel has submitted that the petitioner has been in custody since 21st December, 2020 and there is no likelihood of the trial concluding anytime in the near future, as *de novo* trial shall commence on account of the co-accused having been summoned under Section 319 Cr.P.C.

On the other hand, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer of the counsel opposite, has submitted that the prosecutrix while stepping into the witness-

box as PW-1, during trial had supported the case of the prosecution in its entirety by reiterating the allegations levelled both in the FIR in question as well as in her statement recorded under Section 164 Cr.P.C. before the JMIC. She has submitted that the petitioner is the main accused, who lured the prosecutrix to a hotel on the pretext of some official work, where she was raped after lacing her drink with some intoxicant. Some obscene photographs of her were also clicked by the petitioner.

The learned State counsel has further submitted that the obscene video of the prosecutrix filmed by the petitioner was recovered by the investigating agency during investigation and the said video had now been sent for examination to the Forensic Science Laboratory.

Heard and perused the material on record.

Prima facie, there are serious and specific allegations of rape levelled against the petitioner in the FIR in question. This Court, therefore, does not deem it fit to extend the concession of bail to the petitioner.

Petition stands dismissed. 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 29, 2021

J.Ram

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