

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

210

**CRM-M-22126-2021
Date of decision: 06.12.2021**

Sohit KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana
for the respondent-State.

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.91 dated 10.03.2021 lodged under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 363, 342 and 34 IPC registered at Police Station Bilaspur, District Gurugram.

Learned counsel for the petitioner contends that a false and fabricated case has been foisted upon the petitioner as no allegation was levelled against the petitioner by the victim, aged 12 years, in her statement recorded under Section 164 Cr.P.C. He submits that it was only subsequently in her statement recorded under Section 161 Cr.P.C. for the first time, she levelled allegations of wrong doing against the petitioner. It has been submitted that it is evident that since there was no medical evidence to corroborate the allegation levelled against the petitioner, he deserved to be released on regular bail, moreso, as as he

has been in custody since 17.03.2021.

Per contra, learned State counsel while vehemently opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from L/SI Indresh, has apprised the Court that there are serious and specific allegations levelled against the petitioner of having committed rape upon a 12 year old girl. It has been submitted that the factum of rape having been committed upon the victim stands duly corroborated from the MLR of the victim dated 12.03.2021 i.e. soon after her recovery on 11.03.2021. She has further submitted that the victim remained missing for two days and in her second statement recorded under Section 164 Cr.P.C. on 23.03.2021, she had levelled specific allegations against the petitioner of violating her person. Learned counsel has placed on record her statement under Section 164 Cr.P.C. wherein the victim has given vivid detail of the sequence of events right from the time she went missing on 09.03.2021 and till her recovery on 11.03.2021. Learned counsel has also submitted that since the charges have not yet been framed and prosecution evidence also has not yet commenced, the petitioner may not be extended the concession of bail as there is every likelihood that he could influence material witnesses and also abscond.

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

Prima facie there are serious and specific allegations against the petitioner of having violated the person of a 12 year old girl for which he does not deserve the concession of bail.

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.

06.12.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No