

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

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**CRM-M-25499-2021 (O&M)
Decided on : 18.11.2021**

Sarwan Kumar @ Giani @ Sabhi @ Billa

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Subhash Kumar, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Balwinder.

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. 159, dated 09.09.2018, under Sections 363, 366A, 376, 495 of IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Division No.5, Jalandhar (annexed as Annexure P-1).

Learned counsel for the petitioner has submitted that totally false and fabricated allegations have been levelled against the petitioner in the FIR in question, of enticing away a 13 years old girl and thereafter, violating her person, as a result of which, she became pregnant. Learned counsel has thus prayed that the petitioner may be extended the concession of bail, as he has been in custody since 02nd November, 2020 and only 05 out of the 24 prosecution witnesses cited have been examined so far, hence, his further incarceration would not serve any purpose.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by counsel opposite. Learned State counsel on

instructions from ASI Balwinder, has submitted that there are serious and specific allegations levelled against the petitioner of ravishing a minor girl, as a result of which, she became pregnant. Learned State counsel has further submitted that the MLR also supports the case of the prosecution. He has further submitted that all the material witnesses including the victim have supported the case of the prosecution in its entirety.

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

Prima facie, there are serious and specific allegations levelled against the petitioner, of enticing away a minor on the pretext of marriage and thereafter committing rape upon her, as a result of which, she became pregnant. This Court in the facts and circumstances as enumerated hereinabove, does not deem it appropriate 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 18, 2021

J.Ram

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