

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

224

**CRM-M-25757-2021
Decided on : 24.11.2021**

Vikram Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. J.S. Bhinder, Advocate and
Ms. Hasrat Brar, Advocate, for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by ASI Anoop Singh.

Mr. Aman Pal, 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. 278, dated 18.09.2020, under Sections 201, 328, 376(2)(N), 506 of IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Butana, District Karnal (annexed as Annexure P-1).

Learned counsel for the petitioner submits that the petitioner, who suffers from 75% disability, has been falsely implicated in the case in hand by the victim, aged about 17 years, who also happens to be his first cousin. Learned counsel further submits that the alleged occurrence took place for the first time in the year 2017 and the FIR in question came to be registered only in the year 2019, which further lends credence to a false case having been planted upon the petitioner. It has been contended that in the wake of his 75% disability, it could not be believed that the petitioner could have committed rape upon the victim.

Learned counsel submits that since the victim already stands examined and the petitioner has been in custody since September, 2020, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by counsel opposite, on instructions from ASI Anoop Singh, has submitted that the victim

reiterated the allegations levelled in the FIR in question against the petitioner while getting her statement recorded under Section 164 Cr.P.C. and thereafter, even supported the case of the prosecution in its entirety while deposing before the trial Court as PW-2. It has also been submitted that the Medico Legal Report of the victim corroborated the factum of rape having been committed upon her.

Learned State counsel has strongly controverted the submissions made by learned counsel for the petitioner that in the wake of 75% permanent disability, the petitioner was not in a position to rape the victim. It has been submitted that the disability was only *qua* his left leg and as per the report of the Doctor, who examined the petitioner subsequent to his arrest, it had been opined that there was nothing to suggest that the petitioner could not perform sexual intercourse.

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

In the wake of the submissions made by learned counsel for the parties and the specific & serious allegations levelled against the petitioner in the FIR, which have been reiterated by the victim, during her deposition before the trial Court, this Court 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 24, 2021

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No