

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

219

(Through Video Conferencing)

CRM-M-27744-2021

Date of decision: 17.09.2021

Ganeshi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Rinky Gupta, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.68 dated 24.06.2020 lodged under Sections 376 and 450 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women Sirsa, Village Suchan, District Sirsa.

Learned counsel for the petitioner submits that the delay of almost three weeks in the lodging of the FIR lends credence to the petitioner's false implication in the case in hand. It has been submitted that since the petitioner has been in custody since 26.06.2020 he be extended the concession of bail as 14 prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on

instructions from ASI P/SI Deepika, has submitted that 06, out of 20 prosecution witnesses cited, stand examined which also includes the victim. He further submits that the victim has reiterated the allegations levelled in the FIR as well as her statement recorded under Section 164 of the Cr.P.C. while stepping into the witness box as PW-2.

Learned State has also submitted that the allegations levelled against the petitioner are duly corroborated with the medico legal report of the prosecutrix. He, thus, prays that the instant petition be dismissed.

Heard.

Prima facie there are serious allegations against the petitioner of having committed rape upon a minor 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.

17.09.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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