

250 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-32238-2021
Decided on : 17.08.2021

Bhupinder Rawat @ Soni

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.L.Chander Shekhar, Advocate
 for the petitioner.

Mr. Anupam Bansal, Addl. PP, UT, Chandigarh.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.435 dated 01.12.2019 under Sections 376(3), 506 IPC, 1860 and Sections 4 and 6 of POCSO Act, 2012 registered at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner submits that the victim, aged 13½ years, has come up with different statements and allegations at different stages of investigation. He submits that the petitioner has been in custody since 01.12.2019 and prosecution evidence has not yet commenced. Hence, a prayer has been made to extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. He on instructions from ASI Sapinder Singh has apprised the Court that the victim, aged 13½ years, was raped by the petitioner as a result of which she became pregnant. He further submits that later on the fetus was aborted and sent to

the FSL. As per the report of FSL, DNA of the fetus matched with that of the petitioner. Thus, it leaves no manner of doubt that it is not a case of false implication as has been submitted by the learned counsel for the petitioner. He has also apprised the Court that there is another criminal case registered against the petitioner.

Heard.

Prima facie there are specific and serious allegations levelled against the petitioner of violating the person and modesty of the victim, who is a minor. Accordingly, the present petition stands 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.

(MANJARI NEHRU KAUL)
JUDGE

17.08.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No