

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

211

(Through Video Conferencing)

**CRM-M-36952-2021
Date of decision: 24.09.2021**

Ishwar Vishkarma @ Gora

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Baldev Singh Sodhi, Advocate
for the petitioner.

Mr. Luvinder Sofat, Asstt. A.G., Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.143 dated 01.10.2020 lodged under Sections 376 and 342 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Daresi, District Ludhiana.

Learned counsel for the petitioner submits that it is a case of false implication. The petitioner, who has been in custody since 01.10.2020, has been falsely implicated in the case in hand without there being any qualitative evidence on record. He further submits that there is no likelihood of the trial concluding in the near future. Hence, he be extended the concession of regular bail.

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

instructions from SI Sunita Kaur, has submitted that the petitioner had committed heinous offence of committing rape upon an eight year old minor girl and was caught while committing the act by none other than the victim's parents. He has further submitted that as per the report received from the FSL, the blood stains on the trousers of the petitioner were consistent with that of DNA profile of the victim which unerringly pointed to the involvement of the petitioner in the crime in question.

Heard learned counsel for the parties and perused the material on record.

Prima facie there are serious allegations against the petitioner of having sexually assaulted and violated the person of a minor girl aged just eight years 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.

24.09.2021

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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