

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

220

**CRM-M-38979-2021
Decided on : 23.09.2021**

Mohit

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. K.L. Saini, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana.

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. 40, dated 24.02.2021, under Sections 365, 376, 385, 511, 34 of IPC and Sections 6, 18 of the POCSO Act and Section 67A of the IT Act (added later on Section 366-A of IPC), registered at Police Station Women Bahadurgarh, Jhajjar, District Jhajjar.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 14th July, 2021, two material witnesses i.e. the complainant as well as the victim stand examined. He further submits that the delay of one month in lodging of the FIR in question makes it abundantly clear that it had been got registered after due deliberations, so as to falsely implicate the petitioner. Further submits that in fact, the victim aged 17 years was in love with the real brother of the petitioner and as the family of the victim was averse to the said friendship

between the complainant and his brother, they planted the instant case on him. It has been submitted that the petitioner was only driving the car at the time of alleged occurrence and he along with the other accused had given a lift to the victim, however, later on a twisted version was brought forth by the victim. Learned counsel thus prays to extend the concession of bail to the petitioner, as he has been in custody since 25th February, 2021 and his further incarceration would not serve any purpose since the material witnesses already stand examined.

Per contra, learned State counsel while vehemently opposing the prayer and submissions of the counsel opposite, has invited the attention of this Court to the allegations levelled in the FIR in question as well as the statement of the prosecution recorded under Section 164 Cr.P.C. (annexed as Annexure P-2). He has submitted that not only was the petitioner specifically named at the time of the registration of the FIR in question, but the victim gave a vivid account of how he along with four others dragged her into the car when she was standing at the gate of her college. Still further, after dragging her into the car, they not only tried to sexually assault her but also made a video of the victim and thereafter, blackmailed the victim to part with Rs. 50,000/- or else the video taken by them would be made viral. Learned counsel has further submitted that after driving for a while, the car was stopped and the victim thrown out of the car. Learned State counsel has also submitted that the allegations levelled in the FIR were reiterated by the victim while getting her statement recorded under Section 164 Cr.P.C., as well as, when she stepped into the witness-box to give her deposition during trial. He has further submitted that no doubt, the victim and the complainant have since been examined by the trial Court,

however, they have supported the case of the prosecution in its entirety and as such, he does not deserve the concession of bail.

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

In the facts and circumstances of the case as enumerated hereinabove, this Court is not inclined 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

September 23, 2021

J.Ram

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