

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106+216

CRM-M-39228 of 2021 (O&M)
Date of decision:24.11.2021

Surender

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail to the petitioner in case FIR No.25 dated 15.04.2021 registered under Sections 34, 342, 354-A(i), 365, 376-A(i), 452, 506 of Indian Penal Code, 1860 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, however, Sections 365, 342, 376-A(i), IPC were deleted and Section 376(1), IPC was added later on, at Women Police Station, Hansi.

As per the case of the prosecution, FIR has been registered on the statement of xxxx (name withheld) on the allegation that around midnight on 28.03.2021, Surender (present petitioner) came to her house and coerced her to go to a liquor shop with him on his bike and involved in objectionable activities with her. When the complainant tried to leave,

Surender followed her and threatened her not to disclose the incident to anyone. After 2-3 days, when her parents went to the house of her maternal uncle, Krishan came at night and finding her alone, he outraged her modesty. When she raised an alarm, he ran away. She remained quiet out of fear and when Krishan started harassing her, she disclosed the incident to her mother. Allegations of rape have also been levelled against Navin @ Panchi.

Counsel for the petitioner submits that the petitioner has been honeytrapped and rather, prosecutrix is consenting party. He has made a reference of CCTV footage to submit that despite there being clear evidence of the fact that the prosecutrix had willingly accompanied the petitioner, the prosecution has not collected this material piece of evidence.

Petition has been opposed by the State counsel by making a reference to the statement of the prosecutrix recorded under Section 164 Cr.P.C, supplied to the Court in a sealed cover which has been opened and read out. Still further, State counsel submits that stage of the case also does not warrant the grant of regular bail to the petitioner.

I have considered the respective submissions of counsel for the parties.

Serious rape allegations have been levelled by the prosecutrix against the petitioner, which are duly supported by her, in her statement recorded under Section 164 Cr.P.C. The prosecutrix is yet to step into witness box and her examination has not been conducted. Still further, reliance placed upon CCTV footage by the petitioner, would be subject

matter of trial.

Keeping in view the totality of the facts and circumstances of the case, this Court is of the view that the petitioner is not entitled to be released on bail, more so, at this stage. Petition is, accordingly, dismissed.

Statement of the prosecutrix is ordered to be kept back in a cover, which is ordered to be sealed and returned to the State counsel against proper receipt.

November 24, 2021
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>