

106.

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

CRM-M-39465-2021

Date of Decision: 22.09.2021

(Heard through VC)

SATVINDER

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Gupta, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.120, dated 19.07.2021, registered under Section 6 of the POCSO Act, 2012 and Sections 328, 354-C, 506 of IPC, at Women Police Station Yamuna Nagar, District Yamuna Nagar.

At the very outset, learned counsel for the petitioner requests for addition of Section 376(2)(n) of IPC in the head note and in the prayer clause of the petition.

The request is acceded to.

The Registry is directed to make necessary addition of Section 376(2)(n) of IPC in the head note as well as in the prayer clause.

Counsel for the petitioner prays for grant of anticipatory bail by contending that the petitioner has been falsely implicated in the said FIR. It

is contended that in fact there was an altercation that had taken place as far back as 05.07.2021 in which brother of the prosecutrix had hurled abuses and threw an iron rod on the petitioner and consequently, the petitioner was injured and was admitted in a hospital. His statement was recorded and thereafter, an FIR has already been registered against the brothers of the prosecutrix. It is argued that as a counter-blast and after a period of 14 days, the instant FIR has been registered with the allegation of an offence having been committed against the prosecutrix who was supposedly a minor on the said date i.e. about 17 years of age in January, 2020. It is argued that the reading of the FIR does not reflect any mention of an attack upon the petitioner herein.

Notice of motion.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, has put in appearance through the medium of video conferencing and accepts notice on behalf of the respondent-State. She would oppose the grant of anticipatory bail to the petitioner by contending that the statement of the prosecutrix under Section 164 Cr.P.C. has been recorded in which she has supported her version of the FIR and has also stated that as recently as in June, 2021, an offence of rape has been committed upon her.

I have heard learned counsel for the parties and have perused both the FIRs and do not think to allow anticipatory bail to the petitioner. The allegations, as set out in the FIR, are specific to the extent that the petitioner herein had committed the offence of rape after giving her intoxicating drink and that too when she was a minor. There is also

allegation in the said FIR that he had made an obscene movie and captured photographs with which he was blackmailing her to continue committing the offence of rape. There is specific incidence as to having taken the prosecutrix to a hotel by pretending to marry her, but did not perform marriage. Ultimately, the whole incident was disclosed to the sister who then informed her parents.

The allegations, being serious, do not warrant interference and consequently, the present petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

22.09.2021
sanjeev

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