

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

CRM-M-35362 of 2020

DECIDED ON: 24th MARCH, 2021

Ibbar @ Tarif

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Munfai Khan, Advocate for petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition is for grant of regular bail in case of FIR No. 113 dated 27.8.2017, under Section 376, 506 IPC, 1860 and Section 4 of the Protection of Children From Sexual Offence, Act, 2012, registered at Police Station Women Police Station Mewat, District Nuh.

The FIR was at the instance of the prosecutrix alleging that Ibbar @ Tarif and one unknown had forcibly made physical relations with her. Her husband was a labourer and used to remain away from home. On 23.8.2017 at about 1:00 p.m. prosecutrix along with daughter of her sister-in-law aged 15 years went to fields for taking fodder. In the fields both the accused came from backside and blocked their mouth with clothes and committed rape.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.10.2019. The incident was of 23.8.2017 whereas the FIR registered on 27.8.2017, there is a delay of 4 days in lodging the FIR. He further contends that the petitioner has been falsely implicated as there was a dispute between the two parties.

Reply dated 19.3.2021 filed is taken on record. Learned State counsel contends that the petitioner was arrested after being declared proclaimed offender. The contention is that in statement under Section 164 Cr.P.C., the prosecutrix has repeated the allegations made in the FIR. The DNA report of the swab sample sent is annexed with the reply. The DNA and the semen detected matches with the petitioner. Bail is opposed as even the prosecutrix is yet to be examined.

The contention of learned counsel for the petitioner with regard to delay in registering the FIR does not enhance his case. The DNA of human semen detected while taking the vaginal semen of the prosecutrix matched with the blood sample of the petitioner. Prosecutrix in her statement under Section 164 Cr.P.C. has corroborated the allegations. Prosecutrix is yet to be examined.

Considering the seriousness of the allegations and the conduct of the petitioner, no case is made out for grant of bail.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

24th MARCH, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>