

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

228

**CRM-M-44301-2021
Date of decision: 07.12.2021**

SurjeetPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Virender Soni, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.114 dated 16.04.2021 under Sections 363, 366-A, 420, 467, 468, 471, 376(2)(n), 344, 506 and 120-B IPC and Section 6 of the POCSO Act registered at Police Station Adampur, District Hisar.

Learned counsel for the petitioner inter alia contends that a false and fabricated case having been foisted upon the petitioner finds credence from the fact that though the petitioner was named in the FIR in question, however, there was no allegation by way of a whisper against him. In support, he has invited the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1. He further contends that while getting her statement recorded under Section 164 Cr.P.C., the victim aged about 17 years had not levelled any allegation against the petitioner and had in fact stated therein that she had accompanied co-accused Aman of her own free will. Learned counsel

submits that two months later, the victim got her statement recorded under Section 164 Cr.P.C. wherein for the first time she named the petitioner and levelled allegations against him to the effect that when she was enticed away and raped by co-accused Aman, the petitioner had accompanied them.

Learned State counsel on instructions has not been able to controvert the submissions made by the counsel opposite with respect to the contents of statement of the victim recorded under Section 164 Cr.P.C. and also the factum of no allegation having been levelled against the petitioner in the FIR in question. Learned State counsel, however, submits on instructions that the petitioner is a man of criminal antecedents as he is involved in a number of criminal cases. She submits that in the wake of his criminal antecedents, he does not deserve the extraordinary concession of anticipatory bail.

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

In the aforementioned circumstances specially in the wake of the criminal antecedents of the petitioner, this Court is not inclined to extend the extraordinary concession of anticipatory bail.

Dismissed.

07.12.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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