

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

**CRM-M No.46582 of 2021
Date of Decision: 11.11.2021**

Balram @ Nitu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shilak Ram Hooda, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhinna, AAG, Haryana.

MANJARI NEHRU KAUL J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.458 dated 01.10.2020 lodged under Sections 354-A, 376(D)(A), 120B, 506, 212, 34 IPC and Sections 4,6,8,12 of POCSO Act, registered at Police Station Sampla, District Rohtak.

Mr. Ajay Kripal, Advocate has put in appearance and filed his vakalatnama on behalf of the complainant today in the Court, same is taken on the record.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in a case in hand without there being any qualitative evidence on record to connect him to the crime in question. Learned counsel further submits that charges stand framed and there is no likelihood of the trial concluding in the near future as

the prosecution evidence is yet to commence, hence, his further incarceration would not serve any useful purpose.

Per contra, learned counsel for the State, on instructions from SI Hawa Kaur, has vehemently opposed the prayer of learned counsel for the petitioner. It has been urged that there are specific and serious allegations levelled against the petitioner as well as the co-accused of compelling the victim, aged about 14 years, to send her nude photographs after being threatened that in case, she disclosed about the same to anyone, the nude photographs would be made viral. Learned State counsel has also apprised the Court that in her statement recorded under Section 164 Cr.P.C., the victim had levelled specific allegations of rape against the petitioner which in turn, found corroboration from the medical evidence as well.

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

In view of the facts and circumstances as enumerated hereinabove, prima facie there are serious and specific allegations levelled against the petitioner of having committed rape upon a 14 year old girl. The petitioner thus does not deserve the concession of bail.

Dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 11, 2021

rittu

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No