

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-41641-2020
Decided on : 02.09.2021

Harpreet Singh @ Gurmail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kapil Khanna, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.261 dated 28.11.2019 registered under Sections 376(2) IPC,1860 and Section 6 of POCSO Act at Police Station Dirba District Sangrur.

Learned counsel for the petitioner *inter alia* contends that a perusal of the contents of the FIR in question leaves no manner of doubt that a false case has been planted upon him inasmuch as no date or time of the alleged occurrence has been mentioned as to when the prosecutrix was raped by the petitioner. Hence, a prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel on instructions from SI Satgur Singh has apprised the Court that the prosecutrix in her statement recorded under Section 164 Cr.PC not only named the petitioner but also mentioned the date when the petitioner committed rape upon her. He submits that on account of the rape committed upon the victim, she conceived and later on

the foetus had to be aborted. He has further apprised the Court that DNA samples of both the petitioner and the victim along with the aborted foetus were sent for forensic examination and as per the FSL report received, it matched with that of the petitioner and the victim.

Heard.

Prima facie there are serious and specific allegations levelled against the petitioner in the FIR in question of raping a minor as a result of which she became pregnant for which he does not deserve the concession of bail. Accordingly, the present petition stands 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

02.09.2021

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