

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

219

(Through Video Conferencing)

CRM-M-44340-2020

Date of decision: 28.10.2021

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.D. Rana, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana
for the respondent-State.

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.59 dated 22.03.2019 lodged under Section 6 of the POCSO Act and Sections 506, 450 and 376 IPC registered at Police Station Women, Panipat, District Panipat.

Learned counsel for the petitioner submits that the petitioner who has been in custody since 23.03.2019 has been falsely implicated in the case in hand on allegations of committing repeated rape upon the victim aged 16 years as a result of which she became pregnant. Learned counsel submits that a perusal of the FIR which has been annexed as Annexure P-1 reveals that no specific date much less time had been given by either the complainant or the victim as to when the crime in question was committed by the petitioner. It has been submitted that it was on account of some enmity between the families

of the petitioner and the complainant that the present case had been foisted upon him. He has submitted that since the victim stands examined before the trial Court, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel while vehemently opposing the prayer and submissions made by learned counsel for the petitioner, on instructions has submitted that on account of repeated rape committed upon the victim, she had become pregnant. The petitioner, who was a neighbour of the complainant family had been raping the victim by extending threats of dire consequences as a result of which due to fear the victim could not muster the courage to disclose about the factum of her repeated rapes to her family. It was only when she suffered acute pain in her abdomen for which she was taken to the hospital by her family that it came to be known that as a result of the rape she had become pregnant. Learned State counsel has further submitted that the victim not only in her statement recorded under Section 164 Cr.P.C. but also while stepping into the witness box had supported the case of the prosecution in its entirety. Learned State counsel has submitted that 10 out of the 17 prosecution witnesses cited had been examined so far.

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

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is 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.

28.10.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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