

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

224

(Through Video Conferencing)

CRM-M-50045-2021

Date of decision: 03.12.2021

Kaka Singh		Petitioner
	Versus	
State of Punjab		Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Seema Arora, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0248 dated 20.10.2020 lodged under Sections 354-C, 376 and 506 IPC, Section 4 of the POCSO Act and Section 67-B of the IT Act (charges framed under Sections 354-B, 354-C, 376(3), 506 and 201 IPC, Sections 3 and 4 of the POCSO Act and Section 67-B of the IT Act) registered at Police Station Bhikhi, District Mansa.

Learned counsel submits that the petitioner has been falsely implicated in the case in hand on the allegations of forcibly entering the house of the complainant and thereafter committing rape upon his daughter, aged 14 years and 02 months. Learned counsel submits that there is a delay of five days in lodging of the FIR which clearly indicates that a false and fabricated case has been foisted upon the petitioner. A prayer has, therefore, been made to extend the concession of bail to the petitioner who has now been in custody since 30.10.2020. Learned counsel further submits that since the prosecutrix

and the father of the prosecutrix stand examined, further incarceration of the petitioner would not serve any useful purpose.

Per contra, learned State counsel, on instructions from ASI Kuldeep Singh, has submitted that there were specific allegations levelled against the petitioner of forcibly entering the house of the victim and thereafter committing rape upon her. It was also submitted that some obscene photographs of the victim were clicked by him and thereafter circulated from his mobile phone. Learned State counsel has further submitted that both the material witnesses i.e. the victim as well as her father while stepping into the witness box supported the case of the prosecution in its entirety. Learned State counsel has, thus, vehemently opposed the grant of bail to the petitioner in the wake of his involvement in a grave and heinous offence i.e. rape upon a girl, aged just 14 years.

Heard learned counsel for the parties and perused the material on record.

Prima facie there are specific and serious allegations levelled against the petitioner for which he 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.

03.12.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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