

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(209)**

**CRM-M-4302-2022
Date of decision:- 10.02.2022**

Subhash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arun Sharma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

This has been described as the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in FIR No.140 dated 01.08.2020, registered for offence under Section 376 of the Indian Penal Code, 1860 (Section 323, IPC was added later on), at Police Station Kunjpura, District Karnal, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of a 24 year old victim on the allegation that in the noon of 01.08.2020, she sat in an *E-rickshaw* of Subhash, present petitioner, who was known to her, as she wanted to go her paternal home at village Chundipur. However, instead of taking her to her destination, Subhash took her to sugarcane fields, threw her young daughter aside, and raped her.

At the outset, it deserves to be noticed that the first petition seeking grant of regular bail (CRM-M-5499-2021) was withdrawn after arguing on 01.02.2022. However, without disclosing the said fact, the instant petition has been instituted and is being pressed by the petitioner.

Though, counsel for the petitioner has placed reliance on an affidavit, Annexure P-2, allegedly executed by the victim, but State counsel submits that the prosecutrix has been examined and she has supported the case of the prosecution. The circumstances in which the affidavit has been executed are highly questionable and such an affidavit deserves to be outrightly rejected.

No ground is made out for grant of regular bail to the petitioner.

Faced with adverse observations from the Court, counsel for the petitioner seeks and is granted permission to withdraw the petition.

Dismissed as withdrawn.

(SUVIR SEHGAL)
JUDGE

10.02.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No