

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRM-M-4633-2022

Date of decision: 04.02.2022

Rohtash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.302 dated 20.11.2021, registered for offences under Section 376 (2) (n) of the Indian Penal Code, 1860 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC&ST Act"), at Women Police Station NIT, Faridabad, District Faridabad (Annexure P-1).

FIR (Annexure P-1) has been registered on the statement of a 19 years old girl (for short "the victim/prosecutrix"), wherein she has stated that she passed matriculation two years back. On 10.09.2021, she came in contact with Rohtash (present petitioner), they started meeting each other.

On 06.10.2021, Rohtash called her on phone and took her to a hotel at Surajkund, where he raped her. He promised that he will marry her. On 10.10.2021 and again on 19.10.2021, he took her to an office in Vishavkarma Colony and forced himself physically on her. When she came to know that he is getting married with some other girl, she confronted him and he refused to have anything to do with her.

Counsel for the petitioner contends that there are no allegations attracting the offence under the SC&ST Act. He has placed reliance upon the judgments (Annexures P-2 and P-3), to submit that the Courts have granted bail in cases, where the essential ingredients of the SC&ST Act have not been met. As per the counsel, accusation of rape is false and the petitioner never had any physical relations with the victim.

Per contra learned State counsel, upon instructions, from A.C.P. Safiuddin has opposed the petition. She has submitted that the statement of the prosecutrix has been recorded under Section 164 Cr.P.C. and her medical examinal has also been conducted.

I have considered the arguments addressed by the counsel for the parties.

The prosecutrix has specifically named the petitioner and levelled categoric allegations against him of committing sexual assault upon her on four different occasions. She has given specific dates and details of the offence committed. Accusation levelled by her in her complaint have been supported in the statement recorded by her before the Magistrate. Even the history recorded by her at the time of medical examination is on the same

lines. The examining doctor has opined that the possibility of sexual inter-
course cannot be ruled out. It is the settled position of law that statement of
a prosecutrix, which is of a sterling quality and inspires confidence, does
not require any corroboration.

Keeping in view the seriousness of the crime involving a young
girl and grave nature of allegations against the petitioner, the discretionary
relief of pre-arrest bail cannot be granted to the petitioner.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to
be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

04.02.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes