

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

101+212

**CRM-M-6829-2022 (O&M)
Decided on : 09.05.2022**

Mohit

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jitender Nara, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the third petition filed under Section 439 Cr.P.C. for grant of concession bail to the petitioner in case FIR No. 40, dated 24.02.2021, under Sections 376, 385, 511, 34 of IPC and Sections 6 & 18 of the POCSO Act, 2012 and Section 67-A of the IT Act, 2008 (later on Section 366-A of IPC added and Section 365 of IPC deleted), registered at Women Police Station Bahadurgarh, Jhajjar, District Jhajjar (annexed as Annexure P-2).

A pointed query was put to the learned counsel for the petitioner as to what was the material change in circumstances, subsequent to the dismissal of the previous petition under Section 439 Cr.P.C. on 23.09.2021, which would warrant the acceptance of a third petition under Section 439 Cr.P.C., to which he submitted that the petitioner had now been in custody for more than a year, having been arrested on 24.02.2021. Besides this, learned counsel also submitted that co-accused namely Ajay had since been extended the concession of bail by the trial Court.

This Court, however, does not find any merit in the submissions made by the learned counsel because the case of the petitioner

cannot be kept at par with that of co-accused Ajay. It is the petitioner, who allegedly drove the victim along with the co-accused and his brother-Lucky i.e. the main accused, after forcibly pushing her in his car. Thereafter, the victim was driven around by none other than the petitioner. A video was prepared inside the car and the victim was threatened to part with Rs.50,000/-, else the video would be made viral. After driving the victim around for sometime, the petitioner stopped the car and threw her out. The victim while getting her statement recorded under Section 164 Cr.P.C reiterated all her allegations against the accused, including the petitioner, by giving a vivid account of the crime in question. Still further, while stepping into the witness box, the victim stood her ground and deposed as per the prosecution version. Nine out of sixteen prosecution witnesses stand examined and as submitted by the learned counsel, on instructions, the trial would thus not take much time to conclude.

In the facts and circumstances as enumerated here-in-above and keeping in view the allegations levelled against the petitioner, in the FIR in question, he *prima facie* does come across as being an active participant in the crime in question. This Court, therefore, does not deem it fit to extend the concession of bail to the petitioner.

Dismissed. However, anything observed here-in-above shall not be construed to be an expression of opinion on the merits of the case.

Pending application/s, if any, shall also stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

May 09, 2022
gurpreet

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