

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

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**CRM-M-7817-2022
Decided on : 28.02.2022**

Balbir Singh @ Bira

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ravi Malhotra, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Sohan Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 68, dated 21.05.2021, under Sections 363, 366-A, 376 of IPC and under Section 6 of the POCSO Act, 2012, registered at Police Station Kiratpur Sahib, District Rupnagar (annexed as Annexure P-1).

Learned counsel for the petitioner contends that a false and fabricated case has been planted upon him, as the parents of the victim wanted to solemnize her marriage with the petitioner, who was, however, not agreeable to the proposal. Learned counsel submits that the petitioner has been in custody since 20th June, 2021 and the trial is unlikely to conclude in the near future, as only 03 out of the 16 prosecution witnesses cited, stand examined so far. He further submits that despite non-bailable warrants having been issued for securing the presence of the prosecutrix and the complainant, they both had been intentionally not putting in an appearance before the Trial Court, as a result of which the trial was getting

delayed.

Per contra, learned State counsel while opposing the prayer and submissions of the counsel opposite, on instructions from ASI Sohan Singh, submits that the victim was a 15 year old girl, who was enticed away by the petitioner and thereafter, taken to his relative's house, where, she was raped by him. Learned State counsel while inviting the attention of this Court to the statement of the prosecutrix recorded u/s 164 Cr.P.C., submits that the prosecutrix had levelled serious and specific allegations against the petitioner of raping her. He further submits that the contention of the learned counsel that a false case has been planted upon the petitioner, as he had refused to marry the victim, is belied from the DNA report which corroborates the allegations of rape. Learned State counsel further submits that the victim and her father i.e. the complainant, are likely to be examined on the next date of hearing i.e. 07.03.2022.

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

Prima facie, there are serious and specific allegations against the petitioner of firstly enticing away the victim, aged 15 years from her house and thereafter, committing rape upon her, which finds support from the FSL report. This Court in the circumstances, is not inclined to extend the concession of bail to the petitioner.

Petition stands dismissed. However, anything contained hereinabove, shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a request has been made by the learned counsel for the petitioner for directing the trial court to get the evidence of the

victim and the complainant, recorded expeditiously.

In view of the request made by learned counsel for the petitioner, the trial Court shall make earnest efforts to get the evidence of the victim as well as the complainant recorded expeditiously.

(MANJARI NEHRU KAUL)
JUDGE

February 28, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*