

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

211

CRM-M-10758 of 2021

Date of decision :-19.04.2022

Naveen alias Golu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sushil Kumar Verma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent-State.

Mr. Arpandeeep Narula, Advocate for the complainant.

SUVIR SEHGAL, J.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking grant of regular bail to the petitioner in case FIR No.142 dated 03.11.2021 lodged for offences under Sections 341, 354-A, 354-D, 506, 509 of Indian Penal Code, 1860 {Section 376, 450 IPC and Section 3 (i) (w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added later on} at Police Station Women Sirsa, District Sirsa, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of a 22 years old housewife on the allegation that she is married for the last four years and is staying at her paternal home with her husband. On 27.10.2020 at about 1.00 pm when she was in the street

outside her house, then Golu, present petitioner, who is a neighbour stopped her, caught hold of her hand, threatened to eliminate her and started hurling abuses at her. Thereafter, he continued to stalk and harass her whenever she stepped out of her house. Due to fear of her reputation, she did not give any complaint prior to the lodging of the FIR.

Counsel for the petitioner contends that there is no allegation of rape in the FIR and it was only at a subsequent stage, that the prosecutrix has alleged that she has been sexually assaulted. Counsel submits that the petitioner has been implicated in a false case. By referring to the application dated 15.07.2020, Annexure P-3, submitted by the mother of the petitioner to the SHO of the local police station against the prosecutrix and her family members, he contends that FIR is a counter-blast to the said complaint.

Opposing the petition, learned State counsel has submitted that the prosecutrix has levelled serious allegations against the petitioner not only in the complaint submitted before the police but also during her examination in Court. Reference has also been made by her to the medical examination of the prosecutrix.

Having heard counsel for the parties, this Court is of the view that there is no merit in the instant petition. Petitioner has been specifically named in the FIR and it has been alleged that he has been harassing the prosecutrix and out of fear that her name may get tarnished, she did not disclose the incident of sexual assault till the time she appeared before the Magistrate. She has stated that she was hesitant in disclosing the same to the police officials. The prosecutrix has supported the allegations levelled by her in her testimony, Annexure P-5. The nature of allegations levelled against the petitioner are grave and serious. The prosecutrix belongs to “sikligar

caste” and scheduled caste certificate has been produced by her during her deposition. She has also video-graphed the incident of harassment, which she has given to the police in a pendrive.

Custody certificate of the petitioner has been filed, which shows that besides the present case, the petitioner is named as an accused in five other criminal cases, the details of which are as under:-

(i)	FIR No./Date/U/s/PS:	FIR No.754/2019 dated 14/11/2019, U/s 323, 324, 325, 326 and 34, IPC, PS: City Sirsa, Sirsa
(ii)	FIR No./Date/U/s/PS:	FIR No.446/2020 dated 24/07/2020, U/s 25 of Arms Act, PS: City Sirsa, Sirsa
(iii)	FIR No./Date/U/s/PS:	FIR No.847/2018 dated 30/08/2018, U/s 323, 324, 326, 452 and 34 of IPC, PS: City Sirsa, Sirsa
(iv)	FIR No./Date/U/s/PS:	FIR No.407/2020 dated 06/07/2020, U/s 323, 341, 325, 506 and 34, IPC, PS: City Sirsa, Sirsa
(v)	FIR No./Date/U/s/PS:	FIR No.720/2020 dated 23/11/2020, U/s 147, 148, 149, 323, 452, 380 and 506, IPC, PS: City Sirsa, Sirsa

A perusal of the cases pending against him shows that the petitioner is a notorious character and enlarging such a person on bail will not only be a threat to the victim but also to the public at large. Neither the

nature of allegations levelled against the petitioner nor his criminal antecedents warrant his release on bail during the pendency of the trial.

Petition is dismissed.

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

19.04.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No