

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11972-2022
Decided on : 25.03.2022

Netar Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arnav Kumar, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

This is the fourth petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.69 dated 28.08.2019 under Section 6 of POCSO Act, 2012 and Section 506 IPC registered at Police Station Women District Ambala.

Learned counsel for the petitioner *inter alia* contends that on account of a marital discord between the petitioner and his wife, a false and fabricated case has been planted against him by his own daughter, aged 14 years. He submits that however, later on the misunderstanding between the parents of the victim was removed and affidavit (Annexure P-1) was filed wherein the said fact stands reflected. Learned counsel further submits that there are material discrepancies with respect to the time of occurrence inasmuch as on the one hand it was alleged that the petitioner committed rape upon his own daughter i.e. the victim, at about 2.00 pm in his house whereas in the statement recorded under Section 164 Cr.PC, the victim

stated that the crime in question had taken place at 2.00 am. He still further submits that these material discrepancies go a long way to show that the petitioner had been falsely implicated in the case in hand. Learned counsel submits that the petitioner has been in custody since 29.08.2019 and there is no likelihood of the trial concluding in the near future as the prosecution evidence is yet to conclude. It has also been contended that since the material witnesses including the victim stand examined, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite submits that there are serious allegations against the petitioner of having committed rape upon his own daughter while she was all alone in the house. It has also been submitted that the victim, aged 14 years, had reiterated the allegations levelled against the petitioner in her statement recorded under Section 164 Cr.PC while stepping into the witness box as PW-1. He further submits that the allegations levelled against the petitioner are duly corroborated with her medico-legal report as well. He further submits that the medical examination of the victim was conducted promptly and without any delay, which nails him further in the crime in question. It has also been submitted that trial is nearing completion as 17 out of 19 prosecution witnesses stand examined and even the remaining two witnesses have been given up by the prosecution.

Heard learned counsel for the parties and perused the relevant material on record.

Prima facie, there are serious and specific allegations levelled against the petitioner of having committed a heinous offence i.e. of raping

his own minor daughter and hence, this Court does not deem it fit to extend the concession of bail. The submissions made by learned counsel that there were material discrepancies with respect to the time of occurrence, is of no consequence and would be a matter to be adjudicated upon by the trial Court on the basis of evidence led.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

25.03.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No