

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

208

CRM-M-13519-2022

Decided on : 06.04.2022

Naveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr.Abhimanyu Singh, Advocate
for the petitioner

Mr.Rohit Arya, DAG Haryana

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.286, dated 22.12.2019, under Sections 365,376(2)(n), 376-D and 506 IPC and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Badhra, District Charkhi Dadri.

On a query put to the learned counsel as to what was the change in circumstances subsequent to the withdrawal of the previous petition as recently as on 17.02.2022, which would warrant entertaining the instant petition, he very fairly conceded that there had been no substantial change in circumstances after 17.02.2022. However, he submitted that a false and fabricated case has been foisted upon him.

Learned State counsel also vehemently opposed the prayer made by learned counsel for the petitioner for extending the concession of bail to the petitioner and submitted that in the wake of the serious and specific allegations levelled against the petitioner by the prosecutrix in her statement recorded under Section 164 Cr.P.C., the petitioner did not deserve the concession of bail. It was further submitted that since the prosecutrix who was a material witness and was yet to be examined before the trial Court, the petitioner be not enlarged on bail as there was every likelihood that he could try to tamper with evidence and also influence the witnesses. He also submitted that the complainant, who is father of the prosecutrix had been examined and had supported the case of the prosecution in its entirety.

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

A perusal of the allegations levelled in the FIR in question as well as the contents of the statement of the prosecutrix recorded under Section 164 Cr.P.C. reveal that the prosecutrix was being stalked by the petitioner even prior to her alleged abduction by him. The petitioner is the main accused who as per allegations, after putting the prosecutrix under threat of dire consequences took her to various places, violated her person and on 21.12.2019 along with co-accused committed gang rape upon her. Thereafter, the accused fled after throwing the prosecutrix into the bushes. Prima facie, there are serious and specific allegations levelled against the petitioner. It will be a matter to be appreciated during trial qua the truthfulness of the prosecution version, since the prosecutrix, who is the material witness has not been examined. This Court,

therefore does not deem it appropriate to extend the concession of bail to the petitioner.

Dismissed.

However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

06.04.2022

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Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No