

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

**CRM-M No.13520 of 2022**

Date of decision: 15<sup>th</sup> September, 2022

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. R.S. Kundu, Advocate for the petitioner.

Mr. Rohit Arya, Dy. Advocate General, Haryana  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

This is second petition of the petitioner under Section 439 Cr.P.C. in case bearing FIR No.45 dated 10.08.2020 under Sections 376(a)(b), 452 and 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Women Police Station Assandh, District Karnal.

Learned counsel for the petitioner, inter alia submits that the petitioner has been falsely implicated in the case in hand on the allegations of sexually violating the person of the victim, aged 11 years after giving repeated threats to her. Learned counsel submits that the petitioner has been in custody for more than two years, having been arrested on 11.08.2020 and there is no likelihood of the trial concluding in the near future, as 10 more prosecution witnesses remain to be

examined. He further submits that since the victim, who is the sole material witness, stands examined; further incarceration of the petitioner would serve no useful purpose. Learned counsel contends that no doubt, the victim was found to be pregnant at the time of her medico-legal examination however, there was no DNA report on record which could in any manner connect the petitioner with the crime in question.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, submits that the petitioner after putting a young girl aged just 11 years under fear, repeatedly raped her, as a result of which she became pregnant. He further submits that an abortion was also carried out on the victim, pursuant to the orders of this Court. Learned counsel submits that soon after the crime in question came to light, statement of the victim was recorded under Section 164 Cr.P.C., wherein she not only named the petitioner but also levelled specific allegations against him which were duly corroborated by her when she stepped into the witness box during the trial. He also submits that the medico-legal report further nails the petitioner as the report fully corroborates the prosecution version. It has been submitted that all the material witnesses including the victim stand examined and hence, trial shall not take much time to conclude. He has further submitted that seven formal witnesses have been summoned for 19.09.2022 before the trial Court.

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

Prima facie, there are serious allegations against the petitioner of having committed repeated rape upon an 11 years old girl, which without a doubt is a heinous crime allegedly committed by him. Thus, in view of the facts and circumstances as enumerated herein above, this Court does not deem it a fit case to extend the concession of bail to the petitioner. The petition as such stands 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**

**September 15, 2022**

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |