

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

CRM-M-13538-2022

Date of Decision:- 15.11.2022

HARISH DHULI

....Petitioner.

Vs.

STATE OF UT CHANDIGARH

...Respondent.

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kuldip S. Choudhary, Advocate for Mr.Sunil Kumar, Advocate for the petitioner.
Mr. Sumit Jain, Addl. PP, U.T. Chandigarh

AMARJOT BHATTI, J. (Oral)

The petitioner has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.05 Dated 06.01.2021 under Sections 354/376/506 of IPC registered at Police Station Sector 36, Chandigarh.

The brief facts of the case are that:

Present FIR has been got registered on the statement of victim who alleged that she is graduate and was preparing for job. She was not having driving licence. Her friend Ranju r/o Shimla, Himachal Pradesh introduced him with Harish Dhuli who could help him in preparing her driving licence. On 02.01.2021 at 9 am she reached Chandigarh and the accused met her at Bus stand Sector-43, Chandigarh. She sat on his motorcycle who touched her in a wrongful manner but she ignored it by thinking that it was by mistake. Thereafter he took her in village Balongi

by saying that the documents were lying in his room. He assured him that he was like her brother. She went inside the room and used the washroom. In the meantime, the accused bolted the room from inside and focribly raped her. She told him that her parents could trace her location. Thereafter, he left her outside the bus stand and she reached her house at Shimla. Due to fear and shame she did not disclose this occurrence to anybody and ultimately the matter was reported to the Police on 06.01.2021.

Learned counsel for the petitioner argued that as per the custody certificate Harish Dhuli is in custody since the date of his arrest. The conclusion of trial will take sufficient time and he will abide by the terms of the bail. He prays that the petitioner's regular bail may be allowed.

The bail application is opposed by learned counsel representing the State. In the status report submitted on behalf of the respondent it is alleged that earlier the petitioner was convicted in another FIR No.193/2013 under Sections 363/366/376/506/342/120-B IPC and under Section 4 of POCSO Act at P.S. Sadar Solan, Himachal Pradesh and he was awarded seven years imprisonment along with fine. He was released from Central Jail Shimla on 25.07.2020. The allegations are serious in nature. He is specifically named during the investigation as well as during trial. The victim has levelled serious allegations against the petitioner, therefore, he is not entitled to the concession of regular bail.

I have considered the arguments advanced before me. I have gone through the record. The trial is pending against the present petitioner in which the statement of the victim and other seven witnesses have been recorded. The other material witnesses are yet to be examined. The present

petitioner is specifically named by the victim who has levelled allegations of rape against him as referred above while stepping into the witness box before the Trial Court. Apart from this, it is further not disputed that he was convicted and sentenced in another FIR No.193/2013 under Sections 363/366/376/506/342/120-B IPC and under Section 4 of POCSO Act registered at P.S. Sadar Solan, Himachal Pradesh.

Considering the previous record of the petitioner as well as the specific serious allegations against the present petitioner, I do not find merits in the regular bail application filed by the petitioner and the same is accordingly declined.

15.11.2022
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(AMARJOT BHATTI)
JUDGE

Whether the speaking/reasoned:- Yes/No

Whether the reportable:- Yes/No