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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-23354-2022 (O&M)

Date of Decision: September 20, 2022

Samim

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr.Mohammad Arhsad, Advocate  
for the petitioner.

Mr.B.S.Virk, DAG, Haryana.

.....

**RAJESH BHARDWAJ, J.(ORAL)**

**CRM-19954-2022**

Application for exemption is allowed as prayed for.

**CRM-M-23354-2022**

This is the second petition filed under Section 439 Cr.P.C.  
praying for grant of regular bail to the petitioner in case FIR No.0341, dated  
18.10.2021, under Sections 363 and 366-A IPC, registered at Police Station  
Punhna, District Nuh, Haryana.

The petitioner approached this Court on earlier occasion also  
by way of filing CRM-M-47680-2021, which was ordered to be dismissed as  
withdrawn vide order dated 07.03.2022.

Counsel for the petitioner has contended that the petitioner was  
falsely implicated in this case. He has submitted that the petitioner and the  
alleged victim had filed CRWP-9601-2021 before this Court for seeking

protection of their life and liberty, which was disposed of vide order dated 14.10.2021. He submits that the alleged victim is the legally wedded wife of the petitioner but their relationship was not acceptable to the family members of the complainant and hence he has been falsely implicated in this case. He has submitted that the FIR has been lodged by father of the alleged victim as they were against the relationship of the petitioner and the prosecutrix. He has submitted that the statement of the prosecutrix was recorded under Section 164 Cr.P.C. wherein she has supported the petitioner, thus, false implication of the petitioner is writ large. He submits that petitioner is behind bars since 18.10.2021 and hence he deserves to be granted bail.

On the other hand, learned State counsel has submitted that the alleged victim was less than 18 years of age on the date of occurrence and thus, her consent, even if at all is there, does not have any legal sanctity. He has further submitted that the trial is at initial stage and granting bail to the petitioner would prejudice the ongoing trial. He also submits that this is the second petition for bail filed by learned counsel for the petitioner and his earlier petition was got dismissed as withdrawn at that stage.

Heard.

This is the second petition filed by the petitioner. Earlier petition was ordered to be dismissed as withdrawn at that stage. Admittedly, the prosecutrix is minor. As submitted by learned State counsel, trial of the case is at the initial stage. Hence, granting bail to the petitioner at this stage would be prejudicial to the ongoing trial. Even otherwise, once the earlier petition was already ordered to be dismissed as withdrawn vide order dated

circumstances as on date.

Resultantly, the present petition being devoid of any merit is hereby dismissed.

September 20, 2022  
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( RAJESH BHARDWAJ )  
JUDGE

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|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ?        | Yes/No |