

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

CRM-M No.24669 of 2022
Date of decision: 24th August, 2022

Ganesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldip Singh, Advocate for the petitioner.
Mr. Maninder Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (O&M)

Petitioner is seeking regular bail under Section 439 Cr.P.C. in a case bearing FIR No.73 dated 24.03.2019 under Sections 363, 366-A, 120-B, 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Sri Muktsar Sahib.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 13.09.2021, six prosecution witnesses have been examined including the victim as well as her father. He thus submits that further incarceration of the petitioner in the circumstances would serve no useful purpose. Learned counsel while drawing the attention of this Court to the contents of the FIR, submits that no specific allegations of rape were levelled against the petitioner therein and the only allegation levelled was to the effect that he along

with the co-accused had conspired to entice away the victim aged 13 years on the pretext of performing marriage with co-accused Rajwant Singh. He further submits that since the petitioner has now been in custody for almost 3 ½ years, having been arrested on 25.03.2019, he be extended concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions of the counsel opposite, on instructions has submitted that the victim was a minor, aged just 13 years. He has submitted that both in her statement recorded under Section 164 Cr.P.C. as well as while stepping into the witness box, she levelled specific allegations of rape against all the accused including the petitioner, which in turn have found due corroboration from the medico-legal report as well as FSL report. He has submitted that the petitioner cannot derive any benefit on account of not having been named in the FIR in question as it was lodged by the father of the victim and it was only subsequently when the victim returned home that the role of the petitioner came to light.

I have 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 violated the person of a minor aged 13 years. In the aforementioned facts and circumstances, this Court does not deem it fit to extent concession of bail to the petitioner. Consequently, the instant petition is hereby dismissed. However, anything observed

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by learned counsel for the petitioner that since the petitioner has been in custody for almost 3 ½ years, the trial Court be directed to expedite the trial.

The trial Court shall make earnest efforts to expedite the trial and conclude the same preferably within a period of eight months.

(MANJARI NEHRU KAUL)
JUDGE

August 24, 2022
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No