

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

CRM-M-27007-2022  
Date of Decision: 14.09.2022

Lovely alias Lovkesh

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Deepak Singh Saini, Advocate, for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

**HARNARESH SINGH GILL, J. (Oral).**

By way of the present 2<sup>nd</sup> petition (the 1<sup>st</sup> one having being dismissed as withdrawn on 04.03.2021), the petitioner seeks grant of regular bail in case bearing FIR No. 991 dated 10.12.2019 under Sections 376, 506 IPC and Section 6 of the POCSO Act, 2012, registered at Police Station City Karnal.

Status report filed by way of an affidavit dated 09.09.2022 of Deputy Superintendent of Police, Gharaunda, Karnal, filed in Court, is taken on record.

Learned counsel for the petitioner would submit that the petitioner has falsely been implicated in the present case; that three co-accused, were found innocent by the police and their names had been put in Column No.2 of the challan; that the victim has already passed away and that despite issuance ofailable warrants, the complainant and his wife are not

appearing before the trial Court for their testimony. Yet further, while pointing out that the petitioner has been in custody since 10.12.2019, counsel prays for grant of bail on the ground of long incarceration.

On the other hand, the learned State counsel, while vehemently opposing the prayer for bail, submits that the prosecutrix in this case, was 12 years of age; she had initially tried committing suicide, but she was somehow saved by her mother and when asked of the reason for said drastic step, she had disclosed of the heinous act of repeated rape committed upon her by the petitioner and other co-accused and that they had also clicked her objectionable photographs and had threatened her of making the same viral, if she had disclosed the incident to anyone.

It is further submitted by the learned State counsel that the parents of the victim are from the poor strata of Society and the accused had taken benefit of the victim being alone at home. It is yet further submitted that the prosecutrix has since passed away and that mere long incarceration is no ground to release the petitioner on bail.

I have heard learned counsel for the parties.

The offence is very serious and shatters the very conscience of the Society. The victim was 12 years of the age. A minor girl of that age, who required care and protection of the Society at large, was subjected to his/their ravishment by the accused. The contents of the FIR and the statement of the victim under Section 164 Cr.P.C., leaves no space for any lenient view

in the matter. Thus, even if the petitioner pleads long incarceration, the same cannot be a ground to grant him any indulgence.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

14.09.2022  
ds

**(HARNARESH SINGH GILL)**  
**JUDGE**

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