

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

CRM-M No.29563 of 2022

Date of decision: 31st August, 2022

Nazim

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Afjal Hussain, Advocate for the petitioner.

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

MANJARI NEHRU KAUL, J.

Petitioner has filed second petition seeking regular bail under Section 439 Cr.P.C. in case bearing FIR No.247 dated 19.07.2018 under Section 376(2)(N) IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Old Sabzi Mandi, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on the allegations of raping a minor aged 13 years. He submits that in fact the victim was not 13 years of age but 16 years old when the alleged occurrence took place and intentionally the victim, in collusion with her parents, gave her age as 13 years while getting the FIR in question registered. Learned counsel submits that there is no likelihood of the trial concluding in the near future and hence, the petitioner be extended concession of bail, as he has now been in custody for almost four years having been arrested on 27.07.2018.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel submits that all the 27 prosecution witnesses cited stand examined. He also submits that the victim, while stepping into the witness box, supported the case of the prosecution in its entirety; not only this, the allegation of rape finds due corroboration from the fact that the victim on account of being raped, gave birth to a child and the DNA profiling done matched with that of the petitioner. A prayer has therefore, been made for dismissal of the petition in view of the serious and specific allegations levelled against the petitioner.

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

Prima facie, there are serious allegations levelled against the petitioner of having committed a heinous offence i.e. raping a minor aged 13 years; who, as a result thereof conceived and thereafter delivered a child. The prosecution evidence, as apprised by the learned State counsel, stands concluded. Hence, in the aforementioned facts and circumstances of the case, this Court does not deem it fit to extend the concession of bail to the petitioner.

The petition being without any merit, 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

August 31, 2022

rps

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