

CRM-M-35606-2021

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

CRM-M-35606-2021

Date of decision:20.05.2022

Sajid Ali

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Subhash Kumar, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.71 dated 10.02.2019, registered at Police Station Baldev Nagar, District Ambala, under Sections 328, 376 and 506 IPC and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner contends that the petitioner, who has been in custody since 11.02.2019, has falsely been implicated in the present case; the alleged occurrence took place on 04.02.2019, but the complainant was made to the police on 10.02.2019 i.e. after a delay of 06 days, and that even the medico-legal examination of the prosecutrix was conducted on 11.02.2019.

Learned counsel further contends that after the registration of the above-noted FIR, the prosecutrix swore an affidavit dated 17.10.2020

(Annexure P-4), raising the allegations against her father that she had got

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the present FIR registered against the petitioner under the pressure exerted by her father, and that even in her statement dated 27.11.2020 got recorded by the prosecutrix, under Section 200 Cr.P.C., she deposed that her family members had got registered a false rape case against the petitioner. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had given intoxicants to the prosecutrix and committed penetrative sexual assault upon her, and that even the prosecutrix while stepping into the witness-box, have supported the prosecution version.

I have heard the learned counsel for the parties.

This is the second petition for the grant of regular bail to the petitioner, the first one having been dismissed as withdrawn on 05.10.2020, when this Court was not inclined to grant him such relief.

There are serious allegations against the petitioner that on 04.02.2019, when the prosecutrix was alone at home, the petitioner entered there, compelled her to consume some intoxicant tablets/drugs, injured her arm with blade and pressed her breast; that when she objected to the same, he had threatened to kill her and committed penetrative sexual assault upon her.

As per the compliance report dated 17.03.2022 filed by way of affidavit of the Additional Superintendent of Police, Ambala, there were three injuries on the person of the prosecutrix. Moreover, while stepping into the witness-box, the prosecutrix has supported the prosecution version.

Keeping in view the nature and gravity of the offence, I do not

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find it a fit case where the petitioner is entitled to the concession of regular bail. Therefore, finding no merit in the present petition, the same is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

20.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No