

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

CRM-M-35544-2022
Decided on : 18.08.2022

Ankit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Jaswal, Advocate
 for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

This is the fourth petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.125 dated 04.07.2019 under Sections 366, 366-A IPC (Section 376 IPC and Section 4 of POCSO Act added later on) registered at Police Station Sanoli District Panipat as the previous petition was dismissed on merits as recently as on 23.09.2021.

On a pointed query put to learned counsel as to what was the material change in circumstances, which would warrant entertaining the instant petition subsequent to the dismissal of the previous petition on 23.09.2021, he submitted the Court that co-accused had since been extended the concession of bail and hence, the petitioner be also admitted to regular bail.

Learned State counsel on instructions while opposing the prayer and submissions made by the counsel opposite however, submitted

that the case of the petitioner was clearly distinguishable from the other accused, who had since been extended the concession of bail as they were summoned only under Section 319 Cr.PC. whereas the petitioner was the main accused. Still further, while inviting the attention of this Court to the statement of the victim recorded under Section 164 Cr.PC as well as her deposition as PW-6 before the trial Court, learned State counsel submitted that not only had the victim levelled specific and serious allegations against the petitioner of having raped her along with other co-accused but she had also stated that the petitioner had sexually assaulted her on more than one occasion after she and her cousin sister had been enticed away by the accused. He has further submitted that after committing the crime in question, the petitioner, took the victim away in his car where again five unknown persons sexually assaulted her and thereafter the victim was left on the road. Learned State counsel still further submitted that case of the prosecution found due corroboration from the medico-legal report (Annexure P-3) as well as the FSL report (Annexure P-7). A prayer was thus, made for dismissal of the instant petition as the previous petition filed by the petitioner had been dismissed on merits and there had been no material change in circumstances ever since then.

Heard learned counsel and perused the relevant material available on record.

Learned counsel for the petitioner has failed to bring to the notice of this Court any material change in circumstances subsequent to the dismissal of previous petition on merits on 23.09.2021.

In the facts and circumstances as enumerated hereinabove and

the allegations levelled against the petitioner of having raped a minor, this Court is not inclined to extend the concession of bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.08.2022
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(MANJARI NEHRU KAUL)
JUDGE

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