

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

207

CRM-M-40354-2022
Date of decision: 09.09.2022

Wazid

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Gurmeet Kaur, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.761 dated 26.10.2019 under Sections 363 and 366-A IPC (Section 376 IPC and Section 4 of the POCSO Act added lateron) registered at Police Station Gharaunda, Tehsil Gharaunda, District Karnal.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition seeking similar relief on 01.04.2021, as many as nine prosecution witnesses stand examined.

Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been foisted upon the petitioner as parents of the victim were averse to her relationship with the petitioner. She submits that the allegations levelled in the FIR do not find any support from the medico legal examination as well as the FSL report which further lends credence to the false implication of the petitioner in the FIR in question. She further contends that there is no likelihood of the trial concluding in the near future and since all the material

witnesses stand examined, further incarceration of the petitioner, who has been in custody since 31.10.2019, would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR which was lodged soon after the victim aged about fifteen and a half years, went missing. He submits that the victim was picked up by all the accused, including the petitioner, from her work place and forcibly taken to a village in Uttar Pradesh in their car, where she was not only physically assaulted but also subjected to sexual assault. He submits that the aforementioned fact was categorically stated by the victim in her statement recorded under Section 164 of the Cr.P.C. soon after her recovery and still further it was also categorically stated by the victim that the accused including the petitioner were trying to push her into the trade of human trafficking. Learned State counsel submits that the submissions made by the learned counsel opposite qua there being no medical corroboration to the allegations levelled by the victim is factually incorrect. He submits that the medico legal report of the victim corroborates the allegations levelled against the petitioner. He has still further submitted that all the material witnesses had supported the case of the prosecution in its entirety and now only formal witnesses remain to be examined and hence, the trial shall not take much time to conclude.

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

The victim was a fifteen and a half year old girl who was

allegedly kidnapped by all the accused including the petitioner and taken to a village in the State of Uttar Pradesh for human trafficking. As per the allegations levelled, the victim was physically and sexually assaulted which fact was also stated by the victim in her statement recorded under Section 164 of the Cr.P.C. Only eight formal witnesses remain to be examined as per instructions received by the State counsel. The trial thus in all likelihood would be concluding shortly. Prima facie there are serious and specific allegations levelled against the petitioner for which he does not deserve the concession of bail. The instant petition as such is 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.

09.09.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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