

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

217

CRM-M-45890-2021

Date of decision: 21.02.2022

Satpal @ Satti

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kartar Singh Malik, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.322 dated 16.08.2020 lodged under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 34, 342, 365, 376-D and 506 of the Indian Penal Code, 1860 registered at Police Station Kalanaur, District Rohtak.

On a query put to the learned counsel for the petitioner as to what was the material change in the circumstances subsequent to the withdrawal of the previous petition seeking similar relief, on 26.08.2021, learned counsel submits that the evidence of the victim has been recorded wherein she has not levelled any allegation of rape against the petitioner. Learned counsel has further submitted that the petitioner has been in custody since 20.08.2021 and there is no likelihood of the trial concluding in the near future as 9 prosecution witnesses remain to be examined. It has also been submitted that since

the sole material witness i.e. the victim has already been examined, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel on instructions from PSI Dinesh, has vehemently opposed the prayer and submissions made by counsel opposite by submitting that the victim had supported the case of the prosecution during trial. Learned State counsel submits that now only formal witnesses remain to be examined and hence the trial will not take much time to conclude.

I have heard learned counsel for the parties and perused the deposition of the victim which has been placed on record.

No doubt, the allegations of rape have not been levelled against the petitioner, however, while stepping into the witness box as PW-2, the victim has categorically stated that after she had been raped in the month of June, 2020 by co-accused Sunny and Ajay, who had also prepared a video of the said act, she was being continuously threatened and blackmailed by the accused that they would delete the said video only if she again visited them for a few minutes. On 15.08.2020, it was none other but the petitioner who along with co-accused Sunny forcibly made the victim sit on their motorcycle and dropped her at the house of co-accused Sunny where she was again subjected to sexual assault and rape. Not only this, the victim while stepping into the witness reiterated her allegations, spelt out the role played by the accused including the petitioner in the crime in question and also the threats extended to her that in case she dared to register an FIR against them, she would be done to death.

Prima facie there are serious and specific allegations

levelled against the petitioner of conniving with the main accused, for which he does not deserve the concession of bail. Moreover, the trial will not take much time to conclude as only formal witnesses remain to be examined.

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.

21.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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