

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

**CRM-M-46400-2021
Decided on : 07.01.2022**

Harinder Singh @ Binder @ Harvinder Singh . . . Petitioner

Versus

State of Punjab . . . Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

Present : Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Rehat Bir Singh Maan, DAG, Punjab
assisted by ASI Sarabjit Singh.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. seeking grant of bail to the petitioner in case bearing FIR No.40, dated 28.04.2021, under Sections 36(2)(N), 376-D, 506 of IPC (offences under Sections 363, 366, 366-A of IPC charged later on) and offence under Section 6 of the POCSO Act, 2012, registered at Police Station Bhadson, District Patiala.

Learned counsel for the petitioner while drawing the attention of this Court to the contents of the FIR in question, which stands reproduced in the petition *inter alia* contends that the allegations of rape were levelled by the victim only against co-accused Sukhwinder Singh @ Gaggi and the petitioner was never named, much less, attributed any role. Rather, it was after 3 days from the date of registration of the FIR in question, the petitioner was nominated as an accused in the supplementary statement (Annexure P-2) of the complainant. Learned counsel submits that it, thus, is

evident that the petitioner had been falsely implicated in the case in hand. He further submits that it was the admitted case of the victim herself that she was a frequent visitor to the house of the petitioner. In support, learned counsel has referred to the deposition of the victim before the trial Court (annexed as Annexure P-3). A prayer has, therefore, been made to extend the concession of bail to the petitioner, as he has been in custody for 8 months and the trial would take considerable time to conclude, since 12 prosecution witnesses remained to be examined.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel opposite, has submitted that during investigation, it had come to the fore that the petitioner too had been forcibly committing rape upon the victim, who admittedly was a minor. He further submitted that both in her statement recorded under Section 164 Cr.P.C. as well as during her deposition before the trial Court as PW-1, the victim had stood her ground and reiterated her allegations against the petitioner. Learned State counsel further submitted that in case the petitioner is granted the concession of bail, there was every likelihood that he could abscond and even try to influence the remaining material witnesses, who were yet to be examined.

Heard and perused the material on record.

Prima facie, there are serious and specific allegations against the petitioner of having raped a minor. The victim while stepping into the witness-box, has reiterated the allegations levelled by her in her statement recorded under Section 164 Cr.P.C. This Court, thus, does not deem it appropriate to extend the concession of bail to the petitioner.

Dismissed. It is, however, made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

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