

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

207

CRM-M-34-2021

Date of decision: 11.02.2022

Rohit @ Moni

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jagdish Tanwar, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.164, dated 04.03.2020 registered for offences under Sections 363/366-A/376(3) of IPC, 1860, and Section 04 of Protection of Children from Sexual Offences Act, 2012, at Police Station City Bhiwani, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of the mother of a 14 ½ years old girl (hereinafter referred to as the victim/prosecutrix) on the allegation that her daughter went missing from the house in the night intervening 01/02.03.2020. She came to know from a neighbor that Rohit (present petitioner) and Rahul alongwith a relative of Rohit took away her

daughter in a vehicle. Upon coming back, her daughter revealed that Rohit had taken her after alluring her on the pretext of marriage and had threatened that, in case, she does not accompany him, he will eliminate her family. She was taken to the house of an uncle of Rohit, where he raped her during the day.

Counsel for the petitioner has contended that the petitioner has been falsely framed and there is no material with the prosecution to connect the petitioner with the crime. He submits that there is an unexplained delay of one month in the lodging of the FIR.

Per contra, learned State counsel upon instructions from ASI Gori Shankar, has opposed the petition by referring to the status report filed by way of an affidavit of Deputy Superintendent of Police (HQ), Bhiwani. She has submitted that the prosecutrix has supported the allegation levelled in the FIR in the statement recorded under Section 164 Cr.P.C. Still further, upon instructions, State counsel submits that even in her examination, the prosecutrix has stood firm on the allegations and the trial is at an advanced stage as all the prosecution witnesses have been examined and the case is at the stage of examination of defence witnesses.

Having considered the circumstances of this case, this Court is *prima facie* of the view that the petitioner cannot be enlarged on bail, keeping in view the nature of allegations levelled against him as also the gravity of crime allegedly committed by him. He has been accused of enticing a girl, who is below the age of 16 years and has allegedly committed sexual assault upon her. The prosecutrix has remained

consistant in her statement before the Magistrate as well as in the witness-box. The settled position in law is that the statement of a prosecutrix, which is of sterling quality, does not even require corroboration and is sufficient to convict an accused. Furthermore, the case is at an advanced stage, which also is another reason for rejecting the prayer made by the petitioner.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.02.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No