

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

**CRM-M No.49721 of 2022
Date of decision:15.11.2022**

Arun Kumar alias Sandeep

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhishek Vashista, Advocate
for the petitioner.

Mr. Sumit Jain, A.P.P., UT, Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.95, dated 04.07.2020, lodged under Section 376(2) IPC, 1860 and Section 6 of POCSO Act, registered at Police Station Sarangpur, Chandigarh.

Learned counsel for the petitioner submits that a perusal of the allegations levelled in the FIR in question annexed as Annexure P-1, clearly hint at there being a consensual relationship between the petitioner and the prosecutrix, who was just 02 days short of 18 years on the date of alleged occurrence. He further submits that the inordinate delay in lodging of the FIR in question, further lends credence to the petitioner and the prosecutrix being in a consensual relationship as it was after almost 06 months that the prosecutrix for the first time made a complaint about the crime in question. He submits that the petitioner has

been in custody for more than 02 years having been arrested on 09.08.2020 and the trial is unlikely to conclude in the near future as some defence witnesses remain to be examined. It has also been submitted that since the prosecutrix has been examined, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He submits that the prosecutrix while stepping into the witness box has reiterated her allegations levelled against the petitioner. He further submits that on account of sexual assault committed upon the prosecutrix, she became pregnant and later delivered a child and still further as per the FSL and other related reports, the petitioner was the biological father of that child. Learned counsel has prayed for dismissal of the petition in view of the serious allegations and also because the trial is nearing conclusion as only one prosecution witness remains to be examined.

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

Prima facie, there are serious and specific allegations levelled against the petitioner. Since the trial is likely to conclude in the near future, this Court is not inclined to extend the concession of bail. Accordingly, the instant petition 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.

At this stage, a prayer has been made by learned counsel for the petitioner for directing the trial Court to conclude the trial expeditiously in view of the long incarceration of the petitioner.

The Trial Court is directed to make earnest efforts to conclude the trial expeditiously preferably within a period of three months from the date of this order, in view of the long incarceration of the petitioner, who has been now in custody since 09.08.2020.

(MANJARI NEHRU KAUL)
JUDGE

15.11.2022
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*