

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5022-2022
Decided on : 18.01.2023

Gopal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arshvir Singh Sandhu, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana
with ASI Mamtesh.

Mr. M.S.Chauhan, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

This is the second petition under Section 439 Cr.PC for grant of regular bail in case FIR No.98 dated 22.09.2020 under Sections 376(3), 506 IPC and Section 4 of POCSO Act and Section 67-A of IT Act registered at Police Station Women Ambala.

On a pointed query put to learned counsel for the petitioner as to what was the material change in the circumstances subsequent to the withdrawal of previous petition on 23.07.2021, he has submitted that subsequent to an application filed under Section 319 Cr.PC co-accused Seema had been summoned to face trial as an additional accused and a revision petition (CRR-186-2022) had been preferred to impugn her summoning under Section 319 Cr.PC, before this Court, vide which the trial had been stayed before the trial Court till the next date of hearing.

Learned counsel for the petitioner submits that in the circumstances keeping in view the long incarceration of the petitioner since 22.09.2020, he deserved to be extended the concession of bail.

Per contra, learned State counsel assisted by counsel for the complainant while controverting the submissions and prayer made by counsel opposite has invited the attention of this Court to the allegations levelled in the FIR in question. Learned State counsel submits that the petitioner is the main accused and there are very serious and specific allegations levelled against him of not only having threatened but also raped and videographed the victim after intoxicating her. It has also been submitted by the State counsel that after the registration of the FIR in question, the petitioner through his wife had been threatening the complainant (mother of the victim) to withdraw the instant case or else face dire consequences as a result another FIR No.23 dated 23.01.2021 under Section 506 IPC had been lodged against the petitioner and his wife. Learned State counsel has prayed for dismissal of the instant petition by urging that in case the petitioner is released on bail, there was every likelihood that he could tamper with evidence and pressurize the material witnesses to depose in his favour.

Heard learned counsel for the parties and perused the relevant material on record.

This Court in the facts and circumstances as enumerated hereinabove is not inclined at this stage to extend the concession of bail to the petitioner as *prima facie* he has raped a minor, aged just 13 years of age.

Furthermore, after the registration of FIR in question, another FIR bearing No.23 dated 23.01.2021 under Section 506 IPC stands registered against him at the instance of none other than the complainant herself wherein she has levelled allegations against the petitioner of extending threats of dire consequences in case she did not withdraw the instant FIR.

Accordingly, the present petition stands 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.

18.01.2023
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(MANJARI NEHRU KAUL)
JUDGE

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