

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

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CRM-M-8178-2023 (O&M)

Date of decision: 01.12.2023

Ramesh Yadav @ Golu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. R. S. Mamli, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case FIR No. 0100 dated 10.06.2021, registered under Sections 363, 406, 506, 201, 328, 34 of the IPC; Section 6 of the POCSO Act, 2012 and Sections 3(2)(v), 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sector 37, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of the present case are that the aforementioned FIR was registered on the complaint given by complainant 'S' (*name withheld*) alleging therein that on 08.06.2021 at 11:00 A.M., his daughter 'M' (*name withheld*), who was 14 years of age and was studying in 7th Class, had left the house without informing anyone. The complainant searched her but could not trace out her. She was not having any phone. The complainant prayed for registration of the case and for searching out his daughter. After registration of the FIR,

the investigation proceedings were initiated. On 26.06.2021, the complainant produced the victim before the police and her statement under Section 161 Cr.P.C. was recorded. Thereafter, Sections 406, 506 of the IPC and Section 6 of the POCSO Act were added. The victim was medico-legally examined. After usual formalities, the victim was produced before the Magistrate, whereby her statement under Section 164 Cr.P.C. was recorded. Thereafter, the petitioner was arrested on 07.09.2021. He had moved an application for grant of regular bail before the Additional Sessions Judge (Fast Track Special Court for the Offences under POCSO Act), Gurugram but the same was dismissed, vide order dated 17.01.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in this case. He is in custody since 07.09.2021. The victim has solemnized marriage with co-accused Partap. The main allegations in the case are against co-accused Partap and not against the petitioner. No injuries were found on the person of the victim. The trial is likely to take some time. No useful purpose would be served by keeping him in custody anymore. Hence, it is urged that the petitioner deserves to be granted concession of bail.

4. *Per contra*, learned State counsel, in terms of the status report dated 22.11.2023, has resisted the prayer of the petitioner and it has been argued by him that there are specific and serious allegations against the petitioner as well, as he along with co-accused is alleged to have ravished the victim, who was a minor. In her statement recorded under Section 164 Cr.P.C., the victim had named the petitioner as one of the persons, who had

abducted and ravished her. There are chances of the petitioner intimidating the prosecutrix and other material witnesses, he is extended benefit of bail. Hence, he has argued that the present petition does not deserve to be allowed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner in furtherance of common intention with the co-accused is alleged to have administered some intoxicating substance to the minor victim with intention to commit rape upon her and is further alleged to have kidnapped her and committed aggravated penetrative sexual assault upon her. There are specific and serious allegations against the petitioner. The victim, in her statement recorded under Section 164 Cr.P.C. as well as recorded in the Court, has supported the prosecution version as against the petitioner as well. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

01.12.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No