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2023 : PHHC : 107522

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

**Date of Decision: 18.08.2023
CRM-M-9691-2023 (O&M)**

1.

SHIVAM

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

2.

CRM-M-10895-2023

VINOD @ NODI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Grover, Advocate for the petitioners.
Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

1. Petitioners are seeking regular bail in case bearing FIR No. 860 dated 28.12.2021 under Sections 342, 376D, 506 IPC and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station City Panipat, District Panipat.

2. Custody certificates have been taken on record.

3. Briefly, as per the allegations of the prosecution, on 11.02.2021 the petitioners had taken the victim, aged about 16 years, who is residing in their neighborhood to their house where she was subjected to penetrative sexual assault by both the petitioners.

4. Learned counsel for the petitioners contend that the petitioners have been falsely implicated in the instant case. The statement of the victim during the course of trial has been recorded. During the course of her cross-examination, she has deposed to the effect that she is unaware as to

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who is residing in their neighborhood.

5. Learned State counsel submits that during the course of trial, the prosecutrix has levelled specific and categoric allegations against the petitioners.

6. It is significant to note that during the course of her examination-in-chief, the victim has attributed specific and categoric allegations that both the petitioners had committed rape upon her and also threatened to kill her parents in the event she discloses the incident to anyone. In the event, there is any discrepancy emerging in the case of prosecution during the course of cross-examination of the victim, its effect is to be adjudicated by the trial Court at the appropriate stage. It shall not be out of place to mention here that the examination-in-chief of the victim was recorded on 31.08.2022 and the cross-examination was deferred at the request of the defence counsel. The cross-examination of the victim has been recorded after a gap of more than 6 months. The victim was aged about 16 years at the time of occurrence. There are specific and categoric allegations levelled by the victim in the statement attributing allegations of gang rape against the petitioners.

7. In these set of circumstances, no justified ground is made out to extend the concession of bail to the petitioners.

8. Dismissed.

18.08.2023

Janki

(VIVEK PURI)
JUDGE

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