

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

280

CRM-M-18581-2023 (O&M)

Date of decision: 20.11.2023

Vikram**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. D. S. Virk, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking grant of regular bail in case/FIR No. 08 dated 08.01.2021, registered under Sections 363, 366-A, 376-D of the IPC and Section 6 of the POCSO Act at Police Station Nathusari Chopta, District Sirsa.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 08.01.2021, a written complaint was filed by the complainant 'D' (*name withheld*) alleging therein that on the intervening night of 07-08.01.2021, his family members, including his minor daughter 'N' (*name withheld*), were sleeping in their house. However, in the next morning, he found that her daughter was missing. He raised suspicion that his daughter had been enticed away by the petitioner and prayed for taking penal action against him.

3. Initially, a case under Sections 363 and 366-A of IPC was registered. Investigation proceedings were initiated on 09.01.2021. The

complainant produced the victim before the Police. The victim recorded her statement under Section 164 of Cr.P.C. stating that she had left her house at her own and after wandering here and there, she had come back home by herself and nothing bad had happened with her. She did not get her medico-legal examination conducted. However, on 13.01.2021, the complainant moved another application, on the basis of which, a supplementary statement of the victim was recorded, wherein she stated that in the wee hours of 08.01.2021, she had gone outside her house to throw garbage, when the petitioner accompanied by co-accused, namely Vikas, Anwar and Mukesh, had made her unconscious by putting handkerchief and had taken her to fields of co-accused Anwar, wherein all the four of them had ravished her. Her medico-legal examination was conducted and offences punishable under Section 6 of the POCSO Act and Section 376-D of IPC were added. The petitioner was arrested on 18.01.2021.

4. The present petition has been filed by the petitioner on the ground that he has been falsely implicated in this case; he is in custody since 18.01.2021; the investigation is complete; *challan* has been filed; the prosecutrix and her father have already been examined; the conclusion of trial is likely to take some time and no useful purpose would be served by keeping him in custody. He had moved an application for grant of regular bail before the trial Court, which had been dismissed, vide order dated 26.08.2022. Therefore, it is prayed that the present petition deserves to be allowed.

5. The present petition has been resisted by the State in terms of report dated 18.07.2023. It is submitted therein and learned State counsel

has argued that there were serious allegations against the petitioner. The victim as well as her father have supported the prosecution version in their respective sworn depositions as recorded in the Court. The trial is being expedited and there would no undue delay in conclusion of the same. Hence, it is prayed that the present petition deserves to be dismissed.

6. I have heard learned counsel for the parties at a considerable length and have perused the record.

7. The petitioner, along with other co-accused, is alleged to have committed the offence of gangrape/aggravated penetrative sexual assault upon the victim on the intervening night of 08-09.01.2021. There are specific and serious allegations against the petitioner. The victim and her father, in their respective sworn deposition, have desposed in support of the allegations as levelled. It is not made out from the record that there would be any undue delay in conclusion of trial. Rather, the same may be expedited.

8. Hence, keeping in view the gravity of the allegations as levelled against 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.

9. All the pending criminal miscellaneous application(s), if any, automatically stand disposed of.

20.11.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No