

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

CRM-M-24695-2023

Date of decision: 19.05.2023

HAPPY

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0117 dated 12.09.2019 under Sections 376(DA), 306, 450, 34 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bond Kalan, District Charkhi Dadri.

2. Learned counsel for the petitioner submits that the petitioner has now been in custody since 17.09.2019 and there is no likelihood of the trial concluding in the near future as prosecution evidence is still underway. He further submits that even otherwise, a false case has been planted upon the petitioner of having allegedly entered the house of the victim, who was about 15 years of age and thereafter, along with the co-accused having attempted to violate her person.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions,

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has submitted that the petitioner along with the co-accused were active participants in the crime in question. Learned State counsel while drawing the attention of this Court to the FIR (Annexure P-4), submits that on the fateful day, i.e. 09.09.2019 at about 11:00 PM, the petitioner along with the co-accused entered the house of the victim and attempted to rape her. The victim started weeping. On hearing the cries of the victim, when her family members rushed to the spot, all the accused, including the petitioner, apologized to them for their mistake. However, the victim, after the attempted sexual assault, on account of the same, consumed some poisonous substance. She was then removed to the hospital, however, she could not survive and died on 11.09.2019.

4. Learned State counsel has further submitted that all the material witnesses while stepping into the witness box, had fully supported the case of the prosecution. He has also disputed the submissions made by the counsel opposite that the trial would take considerable time to conclude. Learned State counsel, on instructions from SI Balbir Singh, informs that only 13 prosecution witness out of the 23 cited, remain to be examined and they all are formal in nature.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Prima facie, there are serious allegations levelled against the petitioner, of attempting to rape the victim, who subsequently committed suicide. As per instructions received from the learned State counsel, all the prosecution witnesses have corroborated prosecution version during the trial.

7. In the facts and circumstances as enumerated hereinabove, this

Court, does not deem it fit to grant the concession of bail to the petitioner.

The present 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.

8. Since, the petitioner is in custody since 17.09.2019, the trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within 04 months.

19.05.2023

(MANJARI NEHRU KAUL)

JUDGE

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