

2023:PHHC:086831

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

220

CRM-M No.25921 of 2023
Date of Decision: 12.07.2023

Arjun

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Aditya Partap Singh, Advocate
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, UT Chandigarh,
for the respondent-UT.

MEENAKSHI I. MEHTA, J. (Oral)

The petitioner herein has sought the relief of regular bail in the criminal case arisen out of the FIR bearing No.93 dated 16.07.2022 registered at Police Station Mauli Jagran, Chandigarh, under Sections 376(3), 342 & 506 IPC and Section 4 of the POCSO Act.

2. Bereft of unnecessary details, the allegations, as levelled by the prosecutrix/victim in the subject FIR, are that on 27.06.2022, while she was alone at her home and was washing the clothes in the bathroom, the petitioner came there and ravished her.

3. Learned Public Prosecutor for the respondent-UT has filed the status-report (by way of the affidavit of the SDPO, North East, Chandigarh Police), along-with Annexure R-1 (copy of the MLR) and also the custody-

certificate of the petitioner, in the Court today and all these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned Public Prosecutor for the respondent-UT in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that there is delay of 19 (nineteen) days in lodging the FIR and even the medico-legal report of the prosecutrix does not show the presence of any injury marks on her person and these facts make her (prosecutrix's) entire version, as put-forth in the FIR, a highly doubtful one and moreover, the petitioner is behind the bars since the date of his arrest, i.e 17.07.2022 and in these circumstances, he deserves the relief, as prayed for in the instant petition.

6. Per contra, learned UT counsel argues that while appearing as PW4 in the Court, the prosecutrix has fully supported her entire version/allegations as narrated in the FIR and keeping in view the nature of the offence committed by the petitioner, the present petition be dismissed.

7. The afore-raised contentions regarding the delay in lodging the FIR and qua the effect of the contents of the said MLR on the merits of the case, can and shall be looked into and adjudicated upon by the trial Court at the relevant stage after appreciating and evaluating the evidence, as may be led on the record during the course of the trial and the same cannot be considered and determined, while deciding this bail petition.

8. Further, mere above-mentioned period of the incarceration of the petitioner would not suffice at all to entitle him to the concession/relief

of the regular bail in view of the gravity of the crime as alleged to have been committed by him in the instant case.

9. Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed accordingly.

12.07.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No