

2023:PHHC:082319

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30960-2023
Date of Decision : 21.06.2023

Ayan Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Manish Singla, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in FIR No.113 dated 26.04.2023, registered under Section 328, 376-D, 506 IPC, at Police Station Rajendra Park, District Gurugram.

On a complaint submitted by one Mohsin, the present FIR was registered. It was alleged by the said Mohsin that on 23.04.2023, his daughter aged about 19 years had left home and was not traceable. She was recovered on 10.05.2023 after which her statement under Section 161 Cr.P.C. and subsequently statement under Section 164 Cr.P.C. was recorded. It was alleged that the present petitioner had enticed her away, gave her an intoxicated cold drink and committed gang rape upon her.

Learned counsel for the petitioner contends that the petitioner is a minor. He further submits that the petitioner has solemnized marriage with the victim and that he has been falsely implicated. He submits that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit. Earlier, the petitioner and the victim filed a petition before this Court for the grant of protection wherein he mentioned his date of birth as 26.02.2004 and attached his ‘Aadhar Card’ also which was purportedly issued in the year 2019. However, in the present petition he claims himself to be a minor. The allegations are of gang rape. As to whether the petitioner had actually committed the offence or not cannot be determined at this stage.

In view of the gravity of the allegations, no case for the grant of pre-arrest bail is made out. Infact in the considered opinion of this Court, custodial interrogation of the petitioner would be essential to elicit the truth.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed.

(VIKRAM AGGARWAL)
JUDGE

21.06.2023
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No