

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42546-2023
Date of decision: 23rd November, 2023

Ashok Kumar Sharma

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Keshav Pratap Singh, Advocate with
Mr. Sarfraz Gill, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
480	30.06.2023	Surajkund, District Faridabad	376-D and 506 of Indian Penal Code, 1860

2. The brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint submitted by the complainant (name withheld) alleging therein that she was a Nurse by profession. About two months back, she came into contact with a person who while introducing himself as Ramedharam had conversation with him and during the course of the same, they exchanged their phone numbers. They had started talking casually on phone and the said Ramedharam represented to the complainant that he would get her appointed for a job. The complainant requested him to get

secured a job for her brother. On the night of 28.06.2023, the said Ramedharam called her on phone and told her to come to him in the next morning. On the next morning, on his asking, she went to Surajkund Road to meet Ramedharam who reached there in a car while being accompanied by one person, who introduced himself as Ashok Sharma. They took the complainant to a government residence situated at some place called as NTPC and then both of them committed rape upon her. Both of them also extended threats to ruin her life and kill her, if she disclosed about the incident to anybody. After registration of FIR, medico legal examination of the victim was conducted. Investigation proceedings were initiated. The accused Rameshwar Mishra-petitioner (who had told his name as Ramedharam) and the co-accused Ashok Sharma were arrested. They were interrogated and suffered disclosure statement in pursuance of which the place of occurrence was demarcated by them and recovery of car used at the time of incident was got recovered at the instance of accused Rameshwar Mishra. After completion of necessary investigation and usual formalities, challan was presented in the Court for trial of the accused. The petitioner had moved an application for grant of regular bail before the trial Court but the same has been dismissed vide order dated 16.08.2023.

3. The present petition has been filed by the petitioner on the grounds and his counsel has argued that he has been falsely implicated in this case. He never knew or remained in touch with the complainant. He is in custody since 30.06.2023. Investigation has since been completed, trial is likely to take time, no useful purpose would be served by keeping him in custody. Therefore, learned counsel for the petitioner has argued that the petitioner deserved to be given concession of bail.

4. Per Contra, learned State counsel has argued that there are serious and specific allegations against the Rameshwar Mishra as he alongwith co-accused- Ashok Kumar Sharma had committed gang rape upon the prosecutrix by alluring her on the pretext of getting a job for her brother. The trial is going to commence and there is nothing to show that there would be any undue delay in conclusion of the same. The material witnesses including the prosecutrix are yet to be examined. There are chances of petitioner's intimidating the prosecutrix if extended the benefit of bail. Hence, he has argued that the petition does not deserve to be allowed.

1. 5. As per the custody certificate, the petitioner is in custody for a period of four months and twenty-two days. There are specific and grave allegations against the petitioner. The period of incarceration itself is not a sufficient ground to enlarge the petitioner on bail especially in the circumstance when there is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the gravity of the offence alleged to be committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the opinion that the petition does not deserve to be allowed. Hence, the present petition is dismissed.

[MANISHA BATRA]
JUDGE

23rd November, 2023

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*