

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M No.49234 of 2022

Date of Decision: 24.07.2023

Vijay Kumar @ Ajay

.....Petitioner.

Versus

State of Haryana

.....Respondent.

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

Present:- Mr. Vishal Singh Borwal, Advocate
 for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the present petition, the petitioner has sought the relief of regular bail in the criminal case arisen out of FIR No.203 dated 21.05.2021 registered at Police Station Pinjore, Panchkula, under Sections 313, 506 and 120-B IPC as well as Sections 4 and 6 of the POCSO Act.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant-informant in the subject FIR, are that he, along-with his family members, had been residing at the brick-kiln of the petitioner and his father named Manga, who (Manga) wanted to get his (complainant's) minor daughter, aged about 15 years (here-in-after to be referred as 'P') married to the petitioner but he (complainant) did not agree for the same. However, the petitioner allured 'P' and ravished her and then, he and his

above-named co-accused, i.e his father, threatened 'P' that in case she disclosed about the afore-said facts to anyone, she and her entire family would be killed. Thereafter, the petitioner raped 'P' on several occasions while threatening her and when she got pregnant, the petitioner and his father administered some pills to her which led to precarious deterioration of her health condition and the foetus died in the womb and was aborted and she had to remain hospitalised for her treatment.

3. Reply has already been filed on behalf of the respondent-State (by way of the affidavit of the Assistant Commissioner of Police, Kalka), along-with Annexures R-1 to R-5 and the vernacular versions of Annexures R-1 and R-3.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that the petitioner has been got falsely implicated in the instant case and moreover, he is behind the bars since 11.06.2021 and in these circumstances, he (petitioner) deserves the relief, as prayed for in this petition.

6. Per contra, learned State counsel argues that 'P' was minor at the time of the commission of the offence and on the instructions from ASI Anita from the above-referred Police Station, he apprises the Court that while deposing in the Court, 'P' has fully supported the version of the prosecution and he further argues that keeping in view the nature of the offence, the present petition be dismissed.

7. As regards the contention qua the false implication of the petitioner in this case, the trial proceedings are continuing before the competent Court and as apprised by learned State counsel, 'P' has fully supported her allegations against the petitioner, while appearing in the witness-box and even otherwise, the afore-said contention can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence as may be led on the record and the same cannot be ascertained at the stage of deciding this petition.

8. Further, mere period of incarceration of the petitioner in the case under reference, does not suffice at all to extend the concession of regular bail to him (petitioner) in view of the gravity of the offence alleged to have been committed by him.

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.

July 24, 2023

Yag Dutt

**(MEENAKSHI I. MEHTA)
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>