

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

284

CRM-M-47966-2023

Date of Decision:15.11.2023

RAJENDER SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Deshpreet Singh, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner seeking regular bail under Section 439 of Code of Criminal Procedure in case bearing FIR No.727 dated 27.09.2022, registered under Sections 363, 366-A, 323, 386, 120-B of IPC and Sections 6 and 12 of POCSO Act, police station-Sector 58, District Faridabad.

2. Brief facts relevant for the purpose of disposal of this petition are that the criminal law has swung into action in this case on the basis a written complaint submitted by the complainant "K" (name withheld) alleging therein that the victim "T" (name withheld) who is her 16 years old daughter had gone missing from her house, during the intervening night of 22/23.09.2022, and had taken away by some unknown persons. She had even taken away jewellery and some money along with her. Initially a case under Section 363, 366-A of IPC was registered. Investigation were initiated. During investigation, the victim was recovered. Her statement under Section 164 Cr.P.C. was recorded. Thereafter, offences under Section

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2012 were also added. The victim had taken the names of the son of the present petitioner and three more unknown persons, who had committed wrong act with her. She also alleged that her date of birth was manipulated in the Aadhar Card and her gold ornaments were snatched and also alleged that the present petitioner was involved in the subject offences. The petitioner was arrested on 26.03.2023. He suffered a disclosure statement and in pursuance thereof, got effected recovery of jewellery alleged to be taken from the victim. After investigation of the case, challan has been presented in the Court. Charges are yet to be framed against the petitioner.

3. The present petition has been filed by the petitioner on the grounds and learned counsel for the petitioner vehemently argued that he has been falsely implicated in this case. He is in custody since 26.03.2023. His custodial interrogation is no more required. In fact, the victim who represented herself to be more than 18 years old, had performed marriage with the son of the petitioner on 08.07.2022. Her parents had forcibly taken her along with them on 22.09.2022. In her first statement recorded under Section 164 of Cr.P.C., she had not taken the name of the petitioner. It was only in her subsequently recorded statement under Section 164 of Cr.P.C. that she had changed her stand and levelled false allegation of snatching of her jewellery by the petitioner and about his alleged involvement. The trial is likely to take time. No useful purpose is going to be served by keeping the petitioner in custody. With these broad submissions, he has argued that the petition deserves to be allowed.

4. The claim of the petitioner has been resisted by the State in terms of report dated 06.11.2023. It is submitted therein and learned State counsel has vehemently argued that there are serious and specific allegations against the petitioner. Charges are yet to be framed and material witnesses

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including the victim are yet to be examined. The minor victim was subjected to act of aggravated penetrative sexual assault at the hands of the co-accused in conspiracy with the present petitioner. The son of the petitioner was absconding. There were chances of petitioner’s tempering with the prosecution evidence or intimidating the witnesses, if extended benefit of bail. Hence he argued that the petition did not deserve to be allowed.

5. The petitioner-accused Rajender Singh, who is father of the main accused Sher Singh is alleged to have entered into a conspiracy with him and co-accused, in pursuance of which the co-accused are alleged to have subjected the victim to act of aggravated penetrative sexual assault. He is also alleged to have manipulated the entries regarding age of the victim in her Aadhar Card and is further alleged to have taken away gold jewellery from the petitioner. The allegations against the petitioner are serious in nature. Keeping in view, the nature of the subject offences, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the considered opinion that the application does not deserve to be allowed at this stage.

6. Accordingly, the same is dismissed.

November 15, 2023
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(MANISHA BATRA)
JUDGE

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