

Neutral Citation No.2023:PHHC:161119

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

281

CRM-M No.49249 of 2023
Date of decision: 14.12.2023

Raju

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sudhir Rana, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant petition for grant of regular bail has been filed under Section 439 of Cr.P.C. by the petitioner seeking regular bail in case bearing FIR No.284 dated 29.08.2022 registered under Sections 346, 342 and 376 (2) (n) of IPC of IPC at Police Station Bawal, District Rewari.

2. The brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint submitted by complainant "B" (name withheld) on 29.08.2022, alleging therein that in the morning of 18.08.2022 at about 9 AM, his daughter "M" (name withheld) had gone out of her house for the purpose of filling forms for JBT course. She was carrying all her documents like marksheet etc. with her. As she did not return till evening, the complainant started making search for her but could not find her till 29.08.2022. He raised suspicion that accused Raju, resident of

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Village Ladan Pur Ki Dhani, District Bhiwani and Sonu resident of Village Gharaunth, District Palwal had hand in the abduction of her daughter and they had induced her and had taken her along with them. He also handed over a mobile which according to him was recovered from his daughter 15-20 days back. Initially, a case under Section 346 of IPC was registered. Investigation proceedings were initiated. The victim was recovered from Virat Nagar, Hansi on 06.09.2023. Her statement under Section 164 of Cr.P.C. was recorded and offences under Section 376 and 342 of IPC were added. The victim was got medico legally examined. The petitioner was arrested on 07.09.2022. He was interrogated and suffered disclosure statement admitting his involvement in the crime of committing rape upon the victim. He was medico legally examined. The second person named in the FIR namely, Sonu was found to be innocent and had not been arrested and challaned. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court for trial of the accused and presently the petitioner is facing trial for commission of the aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. In her statement recorded under Section 164 of Cr.P.C., the victim has stated that she had voluntarily left her house being offended with her mother and had stayed with the petitioner in a rented house. No injury has been found on the person of the victim on conducting her medical examination. The victim was major and there

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was consensual relationship between him and the victim. He is in custody since 07.09.2022. His custodial interrogation is not required. There are no chances of absconding. He would not tamper with the prosecution evidence. Hence, it is argued that he deserves to be given concession of bail.

4. The respondent-State has filed status report. Learned State counsel has vehemently argued that in her sworn deposition as recorded before the trial Court on 03.02.2023, the victim has corroborated the prosecution version that she had been ravished by the petitioner. Infact he took advantage of tender mind of the prosecutrix and exploited her sexually by keeping her confined. The allegations against the petitioner are serious in nature. The trial is going on at a face pace and is likely to be concluded in reasonable time. With these broad arguments, it is submitted by him that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel and I have gone through the record.

6. The petitioner who is maternal uncle (Mausa) of the victim is alleged to have taken her to Bhiwani and then to Hansi. He is alleged to have confined the victim in a room wherein he committed rape upon her. The petitioner has tried to make it out a case of consent. However, in her statement recorded under Section 164 of Cr.P.,C. as well as recorded before the Court, the victim is shown to have stated that the petitioner had committed rape upon her. The allegations against him are quite serious in nature. The deposition as made by the victim before the

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learned trial Court cannot be read to mean that it was a case of consent and not of rape.

7. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

14.12.2023
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No