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

CRM-M-53852-2022

Date of Decision:- 08.02.2023

DALJIT SINGH @ DALJEET SINGH

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. J.S. Dhaliwal, Advocate
for the petitioner.

Mr. Surinder Kumar Dogar, DAG, Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Daljit Singh @ Daljeet Singh has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 183, dated 06.07.2022 under Sections 342, 354-A(1)(i), 376(2)(1), 450 IPC, registered at Police Station Sadar Ratia, District Fatehabad.

The facts of the case are that the complainant – Moorti gave her statement to the police that on 06.07.2022, she along with her husband left the house for the agricultural work in the morning. Her daughter i.e. the victim who is deaf and dumb was sleeping in a room, whereas, their son was sleeping in another room. At about 7 O' clock, the victim was washing the clothes, when Daljeet Singh entered her house from the rooftop and took her inside a room forcibly. He tried to rape the victim but in the meantime her sister-in-law Sumitra came there and started calling the victim. The door of the room was closed. The petitioner opened the door

and ran away from there. Her sister-in-law saw the victim crying. She was informed and thereafter, the report was lodged with the police. After investigation, the present FIR was registered.

Learned counsel for the petitioner argued that he has not committed any offence. The prosecutrix has not supported the prosecution case during her statement under Section 164 Cr.P.C. He is falsely implicated in this case. In fact, no such occurrence ever took place. He is in custody since 07.07.2022. The challan is already presented and the evidence of the prosecution is being recorded. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. In this case, after investigation challan is presented in the Court. The FSL report has been received, which is Annexure R-4. The report of DNA profile is yet to be received. The statement of victim under Section 164 Cr.P.C. is Annexure R-3. The statement of victim is recorded in the Court, which is Annexure R-5. There are serious allegations against the petitioner. Considering the gravity of offence, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. Along with the status report, there is copy of MLR of the victim, which is Annexure R-1. The statement of victim recorded under Section 164 Cr.P.C. in the presence of special educator Ms. Baby Babita is Annexure R-3 as the victim is deaf and dumb. The report of Forensic Science Laboratory is Annexure R-4 and the testimony of the victim recorded in the Court is Annexure R-5 where she has supported her version. The allegations are serious. Considering the gravity of offence, I do not find a fit case for grant of regular bail to the petitioner – Daljit

Singh @ Daljeet Singh and the same is, accordingly, declined.

My above observations are made only for the disposal of the present bail application and it will have no bearing on the merits of the case.

08.02.2023

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No