

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

**CRM-M-64942-2023
Date of decision: 22.12.2023**

MANDEEP GIR

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Pinki Mehla, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed by the petitioner under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.214 dated 26.09.2023, under Sections 376(2)(n) and 506 IPC read with Section 34 IPC, registered at Police Station Rajound, District Kaithal (Annexure P-1).

2. It is contended on behalf of the petitioner that he has been falsely implicated in the present case. Previously, husband of the complainant also moved a complaint dated 07.01.2023 against the petitioner and other co-accused, which was found to be false, as per the investigation conducted by ASI Bhupendra and the said fact is mentioned in the reply (Annexure P-2), which was filed by the prosecution before the learned Additional Sessions Judge, Special Court, Kaithal, in response to the application filed under Section 438 Cr.P.C.

The complainant moved another complaint dated 21.06.2023, wherein, the date of occurrence was mentioned as 10.08.2022. Another application was moved by the complainant in C-WINDOW dated 10.08.2023 wherein the date of alleged occurrence of rape by the accused has been mentioned as 04.11.2022. The

complaint. However, there are no allegations of rape against the petitioner who has been falsely implicated in this case.

3. Learned State counsel has opposed the bail application on the ground of gravity of the allegations levelled against the petitioner. He submitted that it is a case of gang rape and the petitioner is the main accused. Medico-legal examination of the prosecutrix was conducted and FSL report is awaited. Even the regular bail application of co-accused/Rajesh has been dismissed, who was arrested on 03.11.2023.

4. I have considered the aforesaid contentions. The present case was registered against the petitioner and his co-accused namely Mandeep, Vikas and Sahil with the allegations that the accused have committed rape of the prosecutrix. It is also in allegations against the petitioner that he was blackmailing the prosecutrix to make the videos viral. There are allegations of commission of the offence of rape repeatedly. Statement of the prosecutrix has been recorded under Section 164 Cr.P.C. wherein she has supported her version. Investigation of the case is going on. Only one accused has been arrested yet. The prosecutrix has also presented a media (pendrive) which contains the recorded conversation in regard to the alleged occurrence. The same has also been taken into possession by the investigating agency as per the reply (Annexure P-3). After arrest of the co-accused, he suffered a disclosure statement as well as identified the place of commission of the offence.

So far as the contentions with regard to different dates having been mentioned in various complaints is concerned, it has been contended in Point No.9 of the said reply (Annexure P-3) that the prosecutrix made an application dated 10.08.2023 and clarified the said error. The petitioner has been named in the FIR and his identity is not in dispute. It has been categorically alleged by the

prosecutrix that petitioner-Mandeep is the main accused who had committed rape of the prosecutrix and he has been blackmailing her by sending her obscene videos to her. He had been threatening the prosecutrix to upload her obscene videos on social media and he also threatened to kill her and thereafter, other persons also committed rape of the prosecutrix.

6. Keeping in view the gravity of the allegations levelled against the petitioner, including the allegations of gang rape, which are serious in nature, no ground for pre-arrest bail to the petitioner is made out, as such, the present petition stands dismissed.

(HARPREET KAUR JEEWAN)
JUDGE

22.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No