

Sr. No.203

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4590-2024  
Date of decision: 09<sup>th</sup> February, 2024

MANGAT RAM .....Petitioner

versus

STATE OF HARYANA .....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ankit Rana, Advocate  
for the petitioner.  
  
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant first petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.425 dated 27.07.2023, under Sections 376-D, 506 IPC, registered at Police Station Ambala City, District Ambala (Annexure P-1).
2. Learned counsel for the petitioner contends that even as per the FIR, the petitioner has not committed any offence. He is neither stated to be present on the spot nor he is named in the FIR. He has been falsely implicated on the basis of a disclosure statement of co-accused Vicky. It was further contended that the petitioner was not even named by the prosecutrix in her statement recorded under Section 164 Cr.P.C. and the petitioner is ready to join investigation.
3. Learned State counsel has filed status report by way of affidavit of Ms. Srishti Gupta, IPS, Assistant Superintendent of Police, Ambala, on behalf of respondent-State of Haryana, which is taken on record.

4. Learned State counsel has opposed the bail application on the ground of gravity of allegations levelled against the petitioner.

5. I have considered the aforesaid contentions.

6. As per the prosecutrix, she is working as an Asha Worker in Village Jalbera. She also works on the shop of her *Bua*'s son. On 23.07.2023, at about 12:00 PM, she had gone to the said shop for doing her work. She was present at the shop along with Janak Raj and Bittu. However, two friends of Janak Raj came in the room and started developing physical relations with the prosecutrix forcibly. Thereafter, accused Janak Raj also committed illicit act with the prosecutrix. Thereafter, the prosecutrix came home and next day, she shared the incident with her sister and got registered the FIR.

7. As per the status report, accused Janak Raj was arrested and he has disclosed the names of the petitioners in his disclosure statement (Annexure R-1). He further disclosed that on 23.07.2023, the petitioner along with his co-accused Gurpreet @ Bittu had committed rape with the prosecutrix. Even co-accused Vicky was arrested on 19.10.2023 and he had also suffered a disclosure statement (Annexure R-3) disclosing the name of the petitioner.

8. As per the Forensic Science Laboratory Report (Annexure R-2), human semen was detected on Exhibit-5 (garments of the victim) and Exhibit-6 (*Gadda* cover). Exhibit-6 is the sealed cloth parcel which is stated to have been recovered by the Investigating Officer. The custodial interrogation of the petitioner is required. His medical examination and comparison of the sample through the Forensic Science Laboratory is also required.

9. Keeping in view the gravity of the allegations levelled against the petitioner and the fact that three accused have ganged and committed sexual

offence upon the prosecutrix, no ground for grant of pre-arrest bail to the petitioner is made out, as such, the present petition stands dismissed.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)  
JUDGE

09<sup>th</sup> February, 2024  
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|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |