



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.6171 of 2024
Date of Decision: 30.05.2024

Manjeet @ Manjeet Singh ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sumit Singh Chahal, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana,
for the respondent-State.

None for respondents No.2 and 3.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in the FIR mentioned below:-

FIR No.	Police Station	Sections
089	Titram, District Kaithal (Haryana)	376 (2) (n), 457 and 506 of IPC and 6 of Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”) (Sections 376, 376 (3) and 376 (2) (f) of IPC and Section 4 (2) of the POCSO Act and Section 3 (2) (v) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989, were added later on)

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2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on 10.05.2022, on the basis of a written complaint filed by the complainant "S" (name withheld) alleging therein that the victim "A" (name withheld) was his 16 years' old niece. Her parents had died 4-5 years back and she along with her other siblings was living with him. On the intervening night of 9/10.04.2022, accused Kuldeep alias Pinku who is son of maternal uncle of the victim, had committed rape upon her and thereafter also he had ravished her several times. He alleged that the victim did not disclose about this fact to him as accused Kuldeep alias Pinku had extended threat to face dire consequences otherwise. He alleged that even on the day of his reporting the matter to the police, the accused Kuldeep alias Pinku had done something wrong with the victim due to which she had left their house and on making search for her, she was found in Hanuman Vatika.

3. On the basis of his complaint, initially a case under Sections 376 (2) (n), 457 and 506 of IPC read with Section 6 of POCSO Act was registered. Investigation proceedings were initiated. During investigation, the statement of the victim was recorded on 10.05.2022 wherein she recorded that from the last two years, the accused Kuldeep alias Pinku had been committing rape upon her and he had also committed rape upon her on the 9th and 14th day of the previous month. Then on 24.05.2022, another complaint was submitted by the victim herself before the police alleging therein that infact, it was the petitioner Manjeet who had been ravishing her without her consent for the last two years on the pretext of performing

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marriage and even on 09.05.2022, he had told her to reach at Hanuman Vatika by saying that they would ran away from there and it was on the asking of petitioner Manjeet that she had gone to Hanuman Vatika and stayed there the whole day. She further disclosed that on the same evening, one Kavita with whom the petitioner Manjeet lived, had reached there along with the family members of the victim and said Kavita had threatened her not to disclose anything to the police about petitioner Manjeet but to involve the accused Kuldeep. She submitted that it was out of fear and under the influence of Kavita that she had taken the name of accused Kuldeep. On this complaint, an entry in the diary was made at Sr. No.1267 on 24.05.2022. The statement of the victim was again got recorded under Section 164 of Cr.P.C. on 26.05.2022 before the Illaqa Magistrate, Kaithal wherein she stated that it was infact petitioner Manjeet who had been ravishing her from the last one and half years. He had even been giving her some intoxicating pills which she used to mix in the food of her siblings and then he used to come to her house and commit rape upon her.

4. The co-accused Kuldeep alias Pinku was arrested on 10.05.2022. The present petitioner was arrested on 11.06.2022. On interrogation, he suffered disclosure statement submitting therein that he used to talk to the victim who was her neighbourer. In April 2022, she had disclosed to him that the co-accused Kuldeep alias Pinku had committed rape upon her. Thereafter, he also nurtured evil intentions qua the victim and on 09.05.2022, he went to her house and forcibly committed rape upon her when other members of her family were sleeping. He also disclosed that

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even thereafter he went to the house of the victim and had physical relations with her and even committed rape upon her in his car. He used to give contraceptive pills named as “72” to the victim. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of offences for which he has been charge-sheeted.

5. The petitioner had moved application for grant of regular bail before the trial Court which had been dismissed vide order dated 11.01.2024.

6. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither named in the FIR nor in the statements recorded by the victim under Sections 161 or 164 of Cr.P.C. His name was taken after a gap of 16 days from the date of registration of FIR i.e. on 26.05.2022. Supplementary statement of the victim and second statement under Section 164 Cr.P.C. were recorded. Infact a false story was cooked up to save the co-accused Kuldeep who was the person who had committed rape upon the victim. The victim and other material witnesses have since been examined. There are material contradictions in the statements of the victim which show the falsity of her version. The co-accused has since been extended benefit of bail by this Court. Trial is likely to take time. His detention would not serve any useful purpose. Therefore, it is argued that he deserves to be given concession of bail.

7. Status report has been filed by the respondent-State, as per which, though the victim had initially named the co-accused as the person

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who had been repeatedly committing rape upon her but in her supplementary statement as recorded on 26.05.2022, she had disclosed that the petitioner too had been committing rape upon her and that he had even induced the minor victim to elope with her on 09.05.2022 and it was on his asking that she had gone to Hanuman Vatika but he did not turn up. It is argued that in her sworn deposition, the victim has supported the prosecution version qua involvement of the present petitioner. DNA report is still awaited. It is, therefore, argued that the petition does not deserve to be allowed.

8. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

9. The petitioner is alleged to have committed acts of aggravated penetrative sexual assault/repeated rape upon the victim from last one and half years prior to 09.05.2022. The victim has since been examined. The trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. The co-accused Kuldeep has been extended benefit of bail by this Court due to the reason that in her sworn deposition, the victim did not utter a single word against him and categorically denied that he had committed any act of rape upon her at any point of time whereas she is shown to have made specific allegations as against the present petitioner. The plea that there are material contradictions in the statement of the victim cannot be considered by this Court at this stage, as it is for the trial Court to thoroughly assess and evaluate the evidence produced by the prosecution on record and give conclusive findings on the basis thereof. Keeping in view the nature of the

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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 petition does not deserve to be allowed. Hence, the same is dismissed.

30.05.2024
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(MANISHA BATRA)
JUDGE

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