



224 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8523-2024
Date of decision: 21st May, 2024

Mayank
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arjun Dhingra, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

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

FIR No.	Date	Police Station	Sections
99	18.02.2023	Kheripul, District Faridabad	506/328 of IPC and 4 of POCSO Act

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the victim ‘X’ (name withheld) who was fourteen years old at the relevant time, alleging therein that about two years back, she had met the petitioner, when she used to go to attend tuition classes. They had exchanged their phone numbers and used to conversate with each other. They had become good friends. On 12.08.2022, on the occasion of her birthday, the petitioner invited her to get the same celebrated with him and had taken her to a local Oyo hotel, wherein he committed rape upon her and



threatened her not to disclose about the incident to anybody and otherwise to kill her. Out of fear, she did not disclose about the incident to anyone but being very upset, she had somehow disclosed about the same now to her parents. After registration of the FIR, investigation proceedings were initiated. The victim was medically examined. Her statement under Section 164 of Cr.P.C. was also recorded. The petitioner was arrested on 19.02.2023. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently the petitioner is facing trial for the commission of the aforementioned offences. He had moved three applications for grant of regular bail, before the learned trial Court, which were dismissed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is delay of about six months in reporting the matter to the police, which has remained unexplained and which falsifies the prosecution story. There are contradictions in the version as given by the prosecutrix in her statement recorded under Section 164 of Cr.P.C. and in the version as recorded before the police on the basis of which FIR was registered. Infact, there was some dispute between the maternal uncle of the petitioner and father of the prosecutrix over some money transaction and the instant case had been got registered due to that reason only. The prosecutrix stands examined by now and there are no chances of petitioner's tampering with evidence or intimidating the witnesses. No injury was found on the person of the prosecutrix as per the medico legal report. Further detention of the



petitioner would not serve any useful purpose. Therefore, it is argued that the petitioner deserves to be given concession of bail.

4. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner. The victim was a child of tender age at the time of occurrence. It was because of threats extended by the petitioner that she could not muster the courage to disclose about the incident to her parents, just after the occurrence. In her sworn deposition, she has fully supported the prosecution version. There are no inconsistencies in her statement recorded under Section 164 of Cr.P.C. and the statement as recorded before learned trial Court. She duly identified the petitioner as the person who has committed rape upon her. It is also argued that there was no possibility of finding any internal or external injury on the person of the prosecutrix as she had been examined six months after the occurrence, the benefit of this fact could not be given to the petitioner. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have befriended the prosecutrix in the year 2022, when she was of tender age of twelve years. He is further alleged to have taken her to a hotel on the pretext of celebrating her birthday and then ravished her there. The prosecutrix is shown to have supported the prosecution version in her sworn deposition. The allegations against the petitioner are serious in nature. There is nothing on record to show that there



would be any undue delay in conclusion of the trial. Keeping in view the nature of the allegations as levelled against the petitioner and the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, 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.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st May, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |