

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-14974-2024 IN/AND
CRM-M-11475-2024 (O&M)
Date of Decision: 05.04.2024

MOHIT
Vs.
STATE OF HARYANA
.....PETITIONER
.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. V.K. Yadav, Advocate, for the applicant-petitioner.
Mr. Amrik Singh Narwal, D.A.G. Haryana.

HARPREET KAUR JEEWAN J.

CRM-14974-2024

1. By this application, the applicant-petitioner seeks permission to place on record, a copy of the order dated 08.01.2024 and withdrawal application dated 04.01.2024 as Annexures P-6 and a copy of the medical report, dated 12.10.2023 as Annexure P-7 with the accompanying petition.
2. The application is allowed. The aforesaid documents are ordered to be taken on record as Annexures P-6 and P-7 with the accompanying petition, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-11475-2024 (O&M)

1. This is the 2nd petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 193 dated 12.10.2023

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(Annexure P-1) under Sections 376 and 506 of the IPC, registered at Women Police Station, District Rewari.

2. The case was registered on the basis of a complaint dated 15.01.2024 given by the prosecutrix. The allegations in brief are that on 11.10.2023, the petitioner called the prosecutrix to Rewari on the pretext of arranging a job for her. The petitioner took her to Rxxxx Hotel and committed rape upon her and even threatened to eliminate her if she disclosed the incident to anyone.

3. Learned counsel for the petitioner inform that first bail petition filed by the petitioner was withdrawn, as per the order dated 08.01.2024 (Annexure P-6).

4. The counsel for the petitioner contends that the petitioner is in custody since 14.10.2023, He was granted interim bail for 10 days to appear in the Army physical test, vide order dated 04.12.2023 (Annexure P-3) passed by this Bench. Thereafter, he again surrendered and filed regular bail application before the trial Court which has been dismissed, vide order dated 22.02.2024 (Annexure P-4). The petitioner has been falsely implicated in this case. There is no apprehension of absconding the petitioner or tampering with the prosecution evidence. The prosecution is delaying the recording of the statement of the prosecution witnesses. The prosecutrix is major and a married woman whereas the petitioner is 19 years old.

5. A status report, dated 28.03.2024, by way of an affidavit of Sh. Pawan Kumar, HPS, Deputy Superintendent of Police, HQ, Rewari, along

with the statement of the victim recorded under Section 164 Cr.P.C. has been filed in Court today by learned State counsel. The same is taken on record.

6. Learned State counsel while referring the aforesaid status report has submitted that the prosecutrix has supported her version in the statement recorded under Section 164 Cr.P.C. (Annexure R-1). The medical examination of the prosecutrix was also conducted. The CCTV footage of the hotel was also obtained during investigation.

7. He further informs that after completion of the investigation, the final report ('*challan*') has been submitted in the trial Court on 18.11.2023. The charges have been framed on 12.01.2024. There are 16 prosecution witnesses which are yet to be examined. He also contends that there is a possibility that the petitioner is going to mis-use the concession of bail and may pressurize the prosecutrix and may flee from the trial.

8. I have considered the aforesaid submissions.

9. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-1) she has alleged that she had delivered a child about 02 months prior to the occurrence when she was forcibly raped by the petitioner by taking her to a hotel forcibly on the pretext of procuring a job for her. She has alleged that she suffered a lot of pain and also had bleeding. However, the said act has been committed by ganging her mouth and she was threatened. Though the investigation is complete and the final report under Section 173 (2) Cr.P.C. has been presented and the petitioner is in custody since 14.10.2023 but keeping in view the fact that the statement of the prosecutrix is yet to be recorded during the trial, therefore, at this stage, it is

not a fit case for releasing the petitioner on regular bail, in view of the apprehensions of intimidating the prosecutrix as the offence alleged to have been committed is serious in nature.

10. Consequently, the present petition stands dismissed.
11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
12. Pending miscellaneous application (s), if any, shall also stand disposed of.

April 05, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes

No