

204 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-14053-2024  
Date of decision: 22<sup>nd</sup> March, 2024

Chamru @ Rahul

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sushil Sheoran, Advocate for the petitioner.  
Mr. Neeraj Poswal, A.A.G., Haryana.

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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                                                                                                                                                   |
|---------|------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 37      | 31.03.2021 | Bond Kalan, District Charkhi Dadri | 376(2)(n), 452 and 506 of Indian Penal Code, 1860 (for short 'IPC') and 6 of Protection of Children from Sexual Offences Act, 2012 (for short '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 complaint filed by the prosecutrix 'A' (name withheld) on 31.03.2021 alleging therein that she along with her parents working at a Brick kiln in a village from last 8-9 months and had been living in the premises of that

Brick Kiln itself. The present petitioner was also residing there. She came into contact with him about 3-4 months back and they used to converse with each other. One day in the absence of her parents, the petitioner came to her hut and had committed rape upon her. Thereafter, also, by threatening her, he kept on ravishing her and now she was three months pregnant. A case under Section 6 of POCSO Act alongwith other offence under Sections 376(2)(n), 506 and 452 of IPC was registered. The prosecutrix disclosed herself to be 16 years old. Investigation proceedings were initiated. The prosecutrix was medically examined and was found to be pregnant. The pregnancy was got aborted. The present petitioner was arrested on 01.04.2021. After completion of necessary investigation and usual formalities, challan was presented against him under aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he is in custody for a period of more than three years. The prosecutrix and some other material witnesses have been examined. There are no chances of intimidating the witnesses by the petitioner. Otherwise trial is likely to take time. There is inordinate delay in lodging of the FIR. Infact, the prosecutrix was having physical relationship with someone else and had forcibly implicated the present petitioner in this case. She is not even proved to be minor and rather her school record shows that she was major at the time of incident. No useful purpose would be served by his further detention. Therefore, it is urged that he deserves to be given concession of bail.

4. *Per contra*, learned State counsel has argued that there are serious and grave allegations against the petitioner. The semen detected on the salwar/swabs of the victim has matched with the DNA blood profiling of the victim. The report regarding the DNA profiling of the foetus of the victim is yet to come on record. There is nothing on record to show that there would be any undue delay in trial and the same is going at a fast pace. There are chances of petitioner's fleeing from course of justice. Therefore, it is argued that he does not deserve to be given concession of bail.

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 repeatedly ravished the victim and as on the date of lodging of FIR she was found to be pregnant. There are specific allegations in the FIR that it is the petitioner, who had subjected the victim to acts of penetrative sexual assault. Even in her sworn deposition as recorded before this Court, she has supported the prosecution version. At this stage, this Court need not to go into the question as to whether she was minor or major at the time of occurrence as this question is to be decided by learned trial Court on the basis of evidence adduced on record. There are serious allegations against the petitioner, keeping in view the allegations as levelled in the FIR as against the petitioner as well as evidence which has come on record, the quantum of sentence which the conviction may entail and the surrounding facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be concession of

bail. Hence, the petition is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]  
JUDGE

22<sup>nd</sup> March, 2024

|                |                               |   |          |
|----------------|-------------------------------|---|----------|
| Parveen Sharma | 1. Whether speaking/ reasoned | : | Yes / No |
|                | 2. Whether reportable         | : | Yes / No |