



212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14439-2024
Date of decision: 30th May, 2024

Pardeep

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Monika Khatri, 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 the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
266	18.06.2023	Narnaund, District Hisar	346 of IPC, 1860 (Sections 376, 376(2) (n) and 120-B of IPC, and Sections 4, 6, 16, 21 of POCSO Act, 2012 added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was originally registered under Section 346 of IPC on the basis of a written complaint filed by the complainant ‘K’ (name withheld) alleging therein that the prosecutrix ‘S’ (name withheld) who is his minor daughter aged about seventeen years and ten months, had gone missing from their house on the same morning. All



efforts made by him to trace her had turned futile. Investigation was initiated. The victim was recovered on 23.06.2023 from Om PG, Hisar. She was counselled by the Child Welfare Committee, Hisar as well as by Legal Aid Counsel at Hisar and was sent to One Stop Centre, Hisar. Her statement under Section 164 of Cr.P.C. was recorded. On the basis of the said statement, offences under Section 376 of IPC and Section 4 of POCSO Act were added. Medical examination of the victim was got conducted. Subsequently, offences under Section 376(2)(n) of IPC and Section 6 of POCSO Act were added and the previous offences were deleted. The petitioner was booked for commission of offences punishable under Section 120-B of IPC and Sections 16 and 21 of POCSO Act during investigation. The co-accused Navdeep was arrested on 02.11.2023. On the basis of his disclosure statement, the present petitioner was arrested on 16.12.2023. He suffered disclosure statement admitting his involvement in the case. 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 along with co-accused Navdeep is facing trial for the commission of the aforementioned offences. He had filed an application for grant of bail before the learned Additional Sessions Judge, Hisar which was dismissed vide order dated 20.02.2024.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. There was no allegation of committing offence of rape upon the prosecutrix by him. The allegations that he had abetted the



commission of said offence by hatching a conspiracy with the main accused Navdeep, were false. He had been involved in this case only on the basis of disclosure statement of the co-accused Navdeep which is not admissible in evidence. In the statement of prosecutrix recorded under Section 164 of Cr.P.C., she did not involve him at all in the commission of the subject offences. The trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is argued that the petitioner deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State, as per which, there are specific allegations against the petitioner that in conspiracy with the co-accused Navdeep, he facilitated and abetted the commission of offence of rape upon the prosecutrix by the co-accused, by making arrangement for his stay at Hotel Dream, Hisar on 18.06.2023 till 23.06.2023. No doubt, the prosecutrix did not name him in the statement recorded under Section 164 of Cr.P.C. and it is on the basis of disclosure statement of the co-accused that he has been named in this case. However, he himself is also alleged to have suffered disclosure statement with regard to helping the co-accused Navdeep for making him stay with the prosecutrix in a hotel. There are chances of petitioner's intimidating the witnesses and absconding, if extended benefit of bail. 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. As per the allegations, the co-accused Navdeep had committed rape upon the minor prosecutrix and the petitioner abetted as well as facilitated the same in conspiracy with him. As per the disclosure statement of the petitioner, he had even taken the victim by bus to village Mirjapur to the house of one Gurdeep and then dropped her back at hotel Dream. He is also shown to have failed to report the commission of offence of committing rape upon the prosecutrix to the police, despite having knowledge that his friend was subjecting the prosecutrix to the said offence. The prosecutrix is yet to be examined. A reasonable apprehension has been expressed by the respondent-State that he may intimidate the witnesses or may abscond, if extended benefit of bail. Keeping in view the nature of offence alleged to have been committed by him, the specific part attributed to him and in view of the discussion as made above, I am of the considered opinion that the petitioner does not deserve to be given benefit of bail at this stage. Hence, his plea for bail is rejected, accordingly, 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

30th May, 2024

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No