

Sr. No.214

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19577-2023
Date of decision: 16th February, 2024

GAURAV ALIAS GORA**Petitioner**

versus

STATE OF UT, CHD.**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. P.S. Paul, Addl. PP, U.T., Chandigarh.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.163 dated 10.11.2021, under Section 376(3) IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at P.S. Sector-31, Chandigarh.
2. The present FIR was registered at the instance of mother of the prosecutrix with the allegations that her minor daughter aged 13 to 14 years, along with her friend Arpita and brother Kanav left for park of Ram Darbar, Chandigarh at about 2:00 pm, where accused and his friend met them. Accused took the prosecutrix along with him on the pretext of showing her the Railway Track, where he forcibly developed physical relations with her.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner has not committed any wrongful act with the prosecutrix. Even in the medical record, there is no mention of any forcible physical assault with the prosecutrix. The petitioner is in custody

since 11.11.2021 i.e. for the last more than two years, as such, prayer was made for grant of regular bail to the petitioner.

4. Learned State counsel has opposed the bail application on the ground of gravity of allegations levelled against the petitioner.

5. I have considered the aforesaid contentions.

6. Keeping in view the age of the victim and the fact that as per the forensic test report dated 27.01.2022, the medical evidence is against the petitioner. The allegations levelled against the petitioner are serious in nature. Merely on the ground that the petitioner is in custody for the last more than two years, he cannot be released on bail, as such, the present petition stands dismissed.

7. However, the trial Court is requested to conclude the trial as expeditiously as possible.

(HARPREET KAUR JEEWAN)
JUDGE

16th February, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No