



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

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CRM-M-22830-2024**Date of decision: May 13, 2024**

DEEPAK

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Chirag Kundu, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the third petition, which has been filed by the petitioner after his second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.45 dated 10.08.2020 under Section 376(a)(b), 452, 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act (POCSO), 2012, registered at Police Station Assandh Women, District Karnal, was dismissed by this Court by way of a detailed order dated 15.09.2022.

2. On a pointed query put to the learned counsel for the petitioner as to what was the change in circumstances which would warrant entertaining the instant petition, he submits that there is no corroborative scientific evidence on record to even *prima facie* link the petitioner with the rape of the 11-year old victim. He has submitted that the petitioner has now been in custody since 12.08.2020 and in the circumstances, since the trial has not concluded, further incarceration of the petitioner would serve no useful purpose.

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3. Mr. Vikram Rana, Advocate has put in appearance on behalf of the complainant and filed his Vakalatnama in the Court today, which is taken on record.

4. Learned State counsel has filed the custody certificate of the petitioner in the Court today, which is taken on record subject to just exceptions. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by inviting the attention of this Court to the allegations which have been levelled in the FIR, which stands reproduced in the body of the language:-

“To, the SHO, Women Police Station Assandh. Sir, it is submitted that I Parvesh W/o Ravinder caste Rajput is resident of Village Salwan. I have three children, wherein two are daughters and one is son. My youngest daughter Isha aged 11 years studies in 5th class. My daughter Isha is under fear and frightened for the last 4-5 months. I asked my daughter many times, whereas my daughter did not tell anything. My daughter Isha was suffering from diarrhea for the last 2-3 days. So, I and my husband took my daughter Isha for giving medicines to Sharma Private Hospital. Lady doctor gave the medicines of diarrhea to my daughter. Then we came to home. Today also my daughter suffered with pain in the stomach. So, we brought for ultrasound in Kirandeep Ultrasound Centre, Assandh. Then Lady doctor told that your daughter is pregnant. So I ask my daughter politely then my daughter told that 4-5 months back, I was in 'barra' our animal in the evening and seeing T.V., then Deepak S/o Harvir, caste Rajput, R/o Salwan came in Bethak and forcibly committed illegal act with me and threatened that if told to anyone then he would kill. On that I was frightened. Thereafter also Deepak committed illegal act with me 2-3 times. So Deepak has forcibly committed illegal act with my daughter and has threatened to kill. Legal action be taken against Deepak.”

5. Learned State counsel submits that there are very serious allegations levelled against the petitioner of having violated the person of the



victim, who was just 11 years of age. On account of the continuous sexual assault carried upon her, the 11-year old victim had conceived.

6. Learned State counsel, on further instructions, has informed the Court that all the prosecution witnesses including the victim stand examined; the victim, while stepping into the witness box, had corroborated the case of the prosecution in its entirety and hence, there was no occasion to doubt the truthfulness of the allegations levelled in the FIR in question. She has further submitted that no doubt, the DNA report is awaited, however it is a matter of record that the victim was carrying a 21-week old pregnancy. She has also submitted that the next date fixed before the learned trial Court is 24.05.2024 and there is every possibility that the trial would not take much time to conclude now.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.

8. In the facts and circumstances as enumerated hereinabove, especially the nature of allegations levelled against the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner.

9. The petition stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 13, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No