



205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25533-2024
Date of decision: 31st May, 2024

Satyawan
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anshuman Dalal, 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 FIR mentioned below:-

FIR No.	Date	Police Station	Sections
149	24.04.2023	Meham, District Rohtak, Haryana	354-A, 376 read with 511, 452 and 506 of IPC, 1860

2. The prosecution case in brief is that on 24.04.2023, the complainant lodged a complaint alleging therein that on the previous night, the petitioner after opening the main gate of her house, entered therein and started molesting her. He tried to make an attempt to rape upon her by breaking open the string of her salwar and by gagging her mouth. He also extended threat to kill her, if she raised noise. The prosecutrix had a scuffle with him in order to save herself on which, he physically assaulted her.



However, she managed to save herself and the petitioner fled from the spot. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 24.04.2023. 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 is facing trial for the commission of the aforementioned offences. He had moved two applications for grant of bail before the learned trial Court which were dismissed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 24.04.2023. The prosecutrix has since been examined. She has materially improved her version in her sworn deposition and her statement is not worthy of reliance. There are no chances of petitioner's intimidating the prosecutrix as she has already been examined. Infact, she had involved him falsely in this case since she was insisted upon by him to vacate the house which is in her occupation on rent and which actually belongs to his relatives and as he had also been trying to prevail good sense upon her since she is involved in immoral activities and in this regard several panchayat meetings had also been convened. It is therefore urged that the petition deserves to be allowed.

4. *Per contra*, it is argued by learned State counsel that there are serious allegations against the petitioner. He criminally trespassed into the house of the prosecutrix during the night time with intention to commit an offence, not only sexually harassed her but also made an attempt to commit rape upon her and also criminally intimidated her. The prosecutrix has



supported the prosecution version. The contradictions in her statement if any, cannot be looked into at this stage. There is nothing on record to show that there would be any undue delay in conclusion of the trial. 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. The petitioner is alleged to have criminally trespassed into the house of the prosecutrix on the night of 23.04.2023 and as per the allegations, he tried to commit rape upon the prosecutrix and sexually harassed her. Copy of statement of the prosecutrix as recorded before the trial Court has been placed on record which shows that she has supported the prosecution version. The period of incarceration of the petitioner cannot be made a ground for extending him benefit of bail. There is nothing on record to show that the prosecutrix is occupying a house owned by some relative of the petitioner or that he had been insisting upon her to vacate that house or there were any complaints with regard to any immoral act and conduct of the prosecutrix. The trial has commenced, there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature of subject offences, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am inclined to hold that the petition does not deserve to be allowed. Hence, the same is dismissed.



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

[MANISHA BATRA]
JUDGE

31st May, 2024
Parveen Sharma

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