

Sr. No.209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27182-2023
Date of decision: 12th February, 2024

ABHISHEK @ ABHIPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shubham Goyal, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for releasing the petitioner on regular bail in case FIR No.110 dated 08.03.2022, under Section 365 IPC (Sections 363, 366-A, 376(2), 120-B IPC and Sections 4, 6, 17, 18 of POCSO Act, 2012, added later on), registered at Police Station Babian, District Kurukshetra (Annexure P-1).
2. As per the prosecution case, at about 3:00 PM, both the prosecutrix “P” and prosecutrix “K” went missing from home and the matter was reported to the Police by the father of prosecutrix “P”, who is also the uncle of prosecutrix “K”. On the basis of the call details of the missing girls, accused-Vinay Kumar and Ashish were found suspects. On 25.03.2022, accused-Vinay Kumar was arrested and he suffered a disclosure statement that on 23.04.2022, prosecutrix “P” and on 24.04.2022, prosecutrix “K” were recovered from Amritsar. The present petitioner was arrested on 24.04.2022. The allegations against the petitioner are that his co-accused Vishal handed over prosecutrix “K” to the petitioner and thereafter, the petitioner had sexually exploited the minor prosecutrix “K”. The petitioner took the victim to Jalandhar at her *Masi*’s house. The petitioner had misbehaved with her and extended threats to her.

3.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner is in custody since 24.04.2022 for a period of 01 year 06 months and 24 days. Co-accused of the petitioner namely Vinay Kumar, Ashish and Lovely have been granted the concession of regular bail as per orders dated 12.10.2022, 14.12.2022 and 24.04.2023 respectively (Annexures P-7 to P-9).
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.

As per the statement of prosecutrix “K” (Annexure P-2) recorded during investigation, the petitioner had committed rape upon her several times on the pretext of marriage. Prosecutrix “K” is minor. She was taken to various places. The minor prosecutrix has been handed over from one person to another and she has been sexually exploited on various occasions. She has further confirmed these allegations in her statement recorded by the Magistrate under Section 164 Cr.P.C.
7.

Considering the fact that the allegations levelled against the petitioner are serious in nature, which are distinguishable from the allegations against his co-accused, the petitioner is not entitled to the relief under Section 439 Cr.P.C. on parity. No ground is made for grant of regular bail to the petitioner, as such, the present petition stands dismissed.
8.

All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th February, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No