

209 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-31814-2023
Date of decision: 22nd May, 2024

Prashant Mishra

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kuldeep Singh, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Mr. Vinay Kumar, Advocate for respondent No.2.

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
234	11.10.2022	Women NIT, Faridabad	384 and 506 of IPC, 1860 and Section 6 of POCSO Act, 2012

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by the prosecutrix ‘V’ (name withheld) alleging therein that she knew the petitioner from the last 1 ½ - 2 years, as he used to visit his sister who was residing in her neighbourhood. He had proposed friendship with him which had been accepted by her and they used to



conversate with each other. She alleged that on 07.11.2020, the petitioner came to her house and asked her mother to allow the prosecutrix to go with him to attend a Jagran, which was taking place in his house. Trusting him, her mother sent the prosecutrix with the petitioner to his house and on reaching there, she found that the Jagran was not taking place at his house but it was taking place in the colony, wherein he was residing. The mother of the petitioner was also sitting in that Jagran function. For sometime, they sat there and then on asking of the petitioner, to accompany him, she went to his home, wherein the petitioner defiled her and while threatening her not to disclose the incident to anyone, he dropped her at her house. Thereafter, he started extending threats and extorting money from her. He had extorted a sum of about Rs. 80,000/- from her on different intervals. She alleged that in June, 2022, also, he took her to his house and had committed rape upon her. As she prayed for taking action against him. After registration of FIR, investigation proceedings were initiated. The prosecutrix was got medically examined. Her statement under Section 164 of Cr.P.C. was also got recorded, wherein she reiterated the allegations levelled in the FIR. The petitioner was arrested on 12.11.2022. After completion of usual formalities and investigation, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He had moved 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. Infact, there was some money transaction between his family and the family of the prosecutrix. The family of the prosecutrix had also been putting pressure upon him to solemnize marriage with her to which he has refused and had performed marriage on 24.01.2022 with some other girl and to take revenge, he had been implicated in this case. He is in custody since 12.11.2022. Prosecutrix has since been examined. There are no chances of petitioner's absconding or intimidating the witnesses. There is unexplained delay of two days in reporting the matter of the police. There is no medical evidence on record to prove the allegations of the victim having been ravished. His further detention would not serve any useful purpose. The trial is likely to take time. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. Learned State counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner as he repeatedly ravished minor prosecutrix and extorted money from her by blackmailing her. Trial is going at a proper pace. The period of custody of the petitioner is not a ground to extend benefit of bail to him. Therefore, it is urged 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 firstly ravished the prosecutrix

on 07.11.2020 by taking her to his house on the pretext of attending a Jagran function and thereafter, is alleged to had ravished her subsequently in June, 2022. The statement of the prosecutrix has been placed on record as Annexure P-4. A perusal of the same reveals that she supported the prosecution version. He is also alleged to have extorted money from the prosecutrix. The allegations against the petitioner are serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Simply because of the fact that no forensic/medical evidence has come on record to show the factum of the prosecutrix having been subjected to act of sexual intercourse by the petitioner, it cannot be assumed that the prosecution version is false. It is for the trial Court to see that the delay in reporting of the matter has been satisfactorily explained or not, and as to what is the implication of the said delay, and not for this Court while deciding the plea of grant of bail to the petitioner. Keeping in view the nature of allegations as levelled against the petitioner, 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 of the considered opinion that the petition does not deserve to be allowed, hence the petition is dismissed.

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

[MANISHA BATRA]
JUDGE

22nd May, 2024

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