



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-34900-2023 (O&M)
Date of decision: 20.09.2024

NARESH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.53 dated 15.05.2023, under Sections 376(2)(n), 376(2)(g), 506 and 120-B IPC registered at Women Police Station, Charkhi Dadri, District Charkhi Dadri.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has not been named in the present FIR and allegations have been made against one Mogariya, who is alleged to have sexually assaulted the complainant. Subsequently, the petitioner is being named by the prosecutrix in her statement recorded under Section 164 Cr.P.C., which is an afterthought. Learned counsel submits that all the allegations made against the petitioner are totally false and



fabricated.

3. Learned counsel for the petitioner further submits that the petitioner has joined the investigation in compliance to the order dated 06.09.2023 passed by the Coordinate Bench of this Court. No recovery is to be effected from the petitioner. The investigation is almost complete.

4. On the other hand, learned State counsel has filed affidavit dated 17.09.2024 of L/ASI Anoop Devi No.17/DDR, PS Women, Charkhi Dadri along with the documents on behalf of the respondent-State, which are taken on record.

5. Learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel submits that as per the DNA report (Annexure R-1), the petitioner-Naresh is the biological father of the baby of the victim.

6. I have heard learned counsel for the parties and perused the relevant documents.

7. The present FIR was registered at the instance of the prosecutrix, who stated that she was working as a labourer in brick-kiln. It is alleged that there was a matrimonial dispute, as such, the prosecutrix was residing in her parental home. The father of the prosecutrix used to go to the brick-kiln and during the day time, her aunt-Tanu used to forcibly take the prosecutrix from her house, as such, uncle of the prosecutrix namely Sonu, petitioner-Naresh and nephew of Sonu-Mogaria had sexually exploited the prosecutrix by repeatedly committing rape upon her since 17.09.2022. Due to the said act, the prosecutrix became pregnant. The medical examination of the prosecutrix was got conducted and her statement under Section 164 Cr.P.C. was also recorded, wherein she has supported her allegations. As per the FIR, there are specific allegations against the petitioner



having sexually abused the prosecutrix. As per the status report dated 20.11.2023, the victim was found to be pregnant of about 22 weeks. The victim is stated to have delivered a baby. As per the DNA examination report (Annexure R-1) submitted along with the affidavit dated 17.09.2024, the petitioner-Naresh is the biological father of the baby of the victim and victim is the biological mother of the baby.

- 8. Keeping in view the specific and serious allegations against the petitioner and the scientific evidence against him, the petitioner is not entitled for the concession of anticipatory bail.
- 9. Consequently, the petition stands dismissed.
- 10. The interim order dated 06.09.2023 stands vacated.
- 11. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20.09.2024
P.Bhatt

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