



Sr. No.223

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

CRM-M-34513-2024
Date of decision: 03rd September 2024

RAHUL KUMAR ALIAS RAHUL DASSPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Suresh Ahlawat, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.14 dated 19.01.2023, under Sections 363, 363-A IPC, 1860 (Section 6 of Protection of Children from Sexual Offences Act, 2012, added later on), registered at Police Station DLF, Phase-III, Gurugram (Annexure P-1).
2. The petitioner is facing allegations that on 18.01.2023, the petitioner had enticed away the minor prosecutrix, who is aged about 15-16 years and she was recovered on 14.03.2023.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. The petitioner and the prosecutrix were in a love affair. In the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure P-2), she has denied all the allegations. However, when the statement of the prosecutrix was recorded during trial



(Annexure P-3), she deposed against the petitioner under the pressure of her father.

4. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

4.1 Learned State counsel has filed custody certificate of the petitioner dated 31.08.2024, reflecting his period of custody as 01 year 05 months and 14 days, which is taken on record.

4.2 Learned State counsel has filed reply/status report dated 14.08.2024, by way of affidavit of Sh. Vikas Kaushik, HPS, Assistant Commissioner of Police, DLF, Gurugram, on behalf of respondent-State of Haryana, which is taken on record.

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

6. As per the status report, during the course of investigation, the prosecutrix was recovered from the house of the petitioner on 14.03.2023 i.e. after about 02 months. The counselling of the prosecutrix was conducted by the Legal Advisor and Section 6 of POCSO Act was added during the investigation. The medico-legal examination of the prosecutrix was got conducted at Government Hospital, Sector-10, Gurugram. As per the Medico Legal Report dated 17.03.2023 (Annexure R-2), the age of the prosecutrix is 14 years. As per the MLR, the possibility of sexual assault cannot be ruled out.

7. Keeping in view the age of the prosecutrix, the allegations that the prosecutrix was enticed away by the petitioner on 18.01.2023 and she was ultimately recovered on 14.03.2023, no ground is made out to release the petitioner on bail.



- 8. Consequently, the present petition stands dismissed.
- 9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03rd September 2024
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*