



CRM-M-46354-2024 (O&M)

- 1 -

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-46354-2024 (O&M)
DATE OF DECISION : 28.10.2024

MAHESH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ganesh Chand Sharma, Advocate for the petitioner.
(through video conferencing).

Mr. Kirpal Singh Thakur, AAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail to the petitioner in case FIR No.384 dated 30.10.2021 under Sections 323, 365, 376, 452, 506, 34 IPC, registered at Police Station Chandhut, District Palwal.

2. Learned counsel for the petitioner contends that petitioner is ready to join the investigation and he is ready to give the DNA sample. He is not involved in the present occurrence and he has been falsely named in the FIR as well as in the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure P-5). It is further stated that the sister of the petitioner is married to Ravinder whereas the prosecutrix is alleging that she has also solemnized 2nd marriage with Ravinder. As such, the present FIR has been got falsely registered in order to grab the property of the father-in-

**CRM-M-46354-2024 (O&M)****- 2 -**

law Buddhan, the co-accused of the petitioner.

3. Learned State counsel referring to the status report submits that as per the medico-legal report, there were 7 injuries on the person of the prosecutrix. During the course of investigation, the petitioner could not be arrested. Only the co-accused Babita was arrested on 05.11.2023 and after completion of the investigation, final report under Section 173 Cr.P.C. has already been filed against her on 21.11.2023 and even charges have been framed.

4. I have heard and perused the record.

5. The FIR pertains to the year 2021, whereas the present petition has been filed in the year 2024. Even before the learned Addl. Sessions Judge, Palwal, the petition seeking anticipatory bail was filed on 17.05.2024.

6. As per the version of the prosecutrix, on 29.10.2021 at about 9 p.m. when she was present alone at the house, she was forcibly dragged out of the house and was taken to Mohna, Yamuna Bridge by the accused persons. She was taken to the fields of Village Mohna and petitioner is alleged to have committed rape upon the prosecutrix. The presence of semen on the clothes of the victim has been found as per the FSL report, Annexure R-2. The petitioner has been specifically named in the FIR as well as in the statement recorded under Section 164 Cr.P.C. (Annexure P-5). Though this Court is not inclined to give findings quathe legality of the marriage of the prosecutrix with Ravinder, however, keeping in view the manner in which the alleged occurrence took place and the delay in

**CRM-M-46354-2024 (O&M)****- 3 -**

approaching the Court seeking the protection for anticipatory bail, apart from the fact that as per the medico-legal report (Annexure R-1), there are many injuries including the injury on the forehead of the prosecutrix, no ground is made out for grant of anticipatory bail to the petitioner.

7. Accordingly, the present petition stands dismissed.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

28.10.2024

Janki

(HARPREET KAUR JEEWAN)**JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*