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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.55593 of 2024
Date of Decision: 04.12.2024

Safal ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
202	05.08.2022	Civil Lines Batala, District Batala	376 and 506 of IPC and 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”)

2. Adumbrated facts as emanating from the record are that the aforementioned FIR had been registered on the basis of statement

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recorded by the complainant "S" alleging therein that on 01.08.2022, the prosecutrix (name withheld) who is his minor niece residing with him after the death of her parents, had been taken to her house by his neighbourer Tamanna daughter of Tarsem for taking care of her child. She was scared ever since she came back and on making probe, it was disclosed by her that the petitioner had subjected her to rape in a room of house of Tamanna when she had gone there on 01.08.2022. After registration of FIR, investigation proceedings had been initiated. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail. Vide order dated 02.06.2023 passed in CRM-M-27933 of 2023, he was granted concession of interim bail. Challan was presented in the meanwhile. The petition for grant of bail had been dismissed by this Court vide order dated 08.05.2024. The petitioner had surrendered on 17.09.2024 and is in custody since then. He moved an application for grant of regular bail which had been dismissed by the learned trial Court vide order dated 19.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The delay of four days in lodging of the FIR has not been satisfactorily explained. No male DNA or semen had been detected on the vaginal swabs of the victim. Infact, it was a case of dispute between the neighbourers. The material witnesses have already been examined. The trial is likely to take time. He did not misuse the concession of interim bail granted to him in CRM-M-27933 of 2023. His further detention would not serve any useful purpose. Therefore, it is urged that he

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deserves to be extended benefit of bail.

4. Status report has already been filed by the respondent-State. It is argued by learned Assistant Advocate General, Punjab, that there are specific and serious allegations against the petitioner. As per the medical opinion, the possibility of the victim being subjected to act of sexual intercourse cannot be ruled out. The trial is going at a fast pace. There are chances of petitioner's absconding as after dismissal of the bail petition No.CRM-M No.27933 of 2023 by this Court on 08.05.2024, he surrendered only on 17.09.2024. Accordingly, it is urged that he does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have committed aggravated penetrative sexual assault upon the victim who was a 12 year old girl on 01.08.2022. The victim in her sworn deposition has supported the prosecution case by saying that the petitioner had committed rape upon her. There are serious allegations against the petitioner. There is nothing on record to show that there would be any undue delay in conclusion of the trial rather it is going on at a proper pace. Keeping in view the serious nature of the offence alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to

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be allowed. Accordingly, the same is dismissed.

04.12.2024
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(MANISHA BATRA)
JUDGE

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