



CRM-M-56097-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
228 CRM-M-56097-2024
Date of decision: 20th December, 2024

Shanu @ Salim Ahmad

...Petitioner

Versus

Sttae of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 352 dated 28.07.2022 registered under Sections 376(2) (n) and 506 of IPC, 1860 (Section 376 and 323 of IPC added later on) at Police Station Dabua, District Faridabad, Haryana. His previous petition CRM-M-64114-2023 had been dismissed by this Court, vide order dated 19.04.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered against the petitioner on the allegations, that he had committed rape upon the victim 'S' (name withheld) who is sister of the complainant 'S-1' (name withheld) about seven months prior to lodging of the complaint. The victim had become pregnant and was found to be at advance stage of pregnancy, when



she was medically examined. The petitioner was arrested on 28.09.2022. The victim had given birth to child and DNA of the said child has matched with the DNA of the petitioner showing that he is biological father of the said child. The victim and the complainant have already been examined and have supported the prosecution version.

3. It is argued by learned counsel for the petitioner that he is in custody for a period of about two years and three months. Material witnesses have been examined. His previous petition has been dismissed on 19.04.2024. A period of more than eight months has been passed ever since then. Several witnesses are yet to be examined by the prosecution and trial is likely to take long time. It is submitted that the extended period of his incarceration is sufficient to show that he deserves to be extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. Even the prosecutrix has supported the prosecution case. The DNA of the child born to the victim, has matched with the DNA of the petitioner. It is also argued that there is no even otherwise, there is no substantive or specious change in the circumstances entitling the petitioner to seek benefit of bail. It is, therefore, 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. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, 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 be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

20th December, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |