

Neutral Citation No. 2024:PHHC: 071181

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-63385-2023 (O&M)
Date of decision: 20.05.2024

Ajay Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anoop Singh Sheoran, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 180 dated 21.07.2022, registered under Section 346 of IPC (Sections 363, 366 of IPC and Section 6 of the POCSO Act were added later on) at Police Station Sector 17/18, District Gurugram.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the complaint filed by complainant 'A' (*name withheld*) on 21.07.2022 alleging therein that her daughter 'P' (*name withheld*), aged about 13 years, had left home on 20.07.2023 at about 12:00 PM without informing anyone and despite making search, they could not trace her. Initially, a case under Section 346 of

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IPC was registered. Investigation proceedings were initiated. The victim was recovered from village Khoda, Noida on 26.07.2022. Her statement under Section 164 of Cr.P.C. was recorded before the concerned Magistrate. She was medically examined. Offence under Section 346 of IPC was deleted and offences under Sections 363 366 of IPC and Section 6 of the POCSO Act were added. The petitioner was arrested on 27.07.2022. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 30.09.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he is in custody for the last about 02 years. The victim and her mother have since been examined. Therefore, there are no chances of his intimidating them. The trial is likely to take time. The petitioner has been falsely implicated in this case on the behest of the family members of the victim because of their inimical relations. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of bail.

4. Status report has been filed by respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. In her statement recorded under Section 164 of Cr.P.C. as well as in her sworn deposition recorded before the trial Court, the victim has supported the prosecution version to the effect that it was the petitioner, who had enticed her

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away and had repeatedly ravished her. The DNA report has been received, as per which, the seminal stains detected on the undergarment of the victim matched with the DNA profiling of the blood of the petitioner. There are chances of the petitioner's absconding, if extended benefit of bail. Therefore, it is argued that the petition is liable to be dismissed.

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

6. The petitioner is alleged to have enticed away the victim, who was a girl of tender age of 13 years as on 20.07.2022, is further alleged to have taken her to different places on the pretext of performing marriage with her and is further alleged to have committed acts of aggravated penetrative sexual assault upon her. Copies of the statements of the victim, as recorded under Section 164 of Cr.P.C. as well as her sworn deposition, have been placed upon record by learned State counsel, which show that the victim has supported the prosecution version. As mentioned above, the seminal stains detected on the undergarment of the victim have matched with the DNA profiling of the blood of the petitioner. The allegations against the petitioner are quite serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

20.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes