



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

216

CRM-M-53285-2024

Date of decision: 28th January, 2025

Abhimanyu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Siddarth, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Sanjay Verma, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

This is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No. 301 dated 22.06.2022 registered under Sections 328 and 506 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') at Police Station Kheripul, Faridabad. The previous petition as filed by the petitioner bearing CRM-M-2646-2024 had been dismissed as withdrawn on 09.04.2024.

2. The aforementioned FIR had been registered on the basis of a complaint lodged by the complainant 'J' (name withheld) on the allegations that on 22.05.2022, the victim 'P' (name withheld) who is her 14 years daughter, disclosed to her that on the night of 18.05.2022, the petitioner who is her husband had taken the victim to a room of her house, made her consume liquor and then committed aggravated penetrative sexual assault



upon her, while she was in a state of intoxication and then she had become unconscious. He also extended threats to kill her if she disclosed about the incident to anyone. The complainant along with the victim had come to her parental house on 20.05.2022. Investigation proceedings have been initiated. The victim was medically examined. Her statement under Section 164 of Cr.P.C. was recorded wherein she narrated the entire incident. The petitioner was arrested on 23.06.2022. Investigation stands completed and presently, he is facing trial for commission of the aforementioned offences. He had filed an application for grant of regular bail before the Court of Additional Sessions Judge, Fast Track Special Court, Faridabad, which was dismissed vide order dated 14.10.2022.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 23.06.2022. There is delay of more than one month in reporting the matter to the police. Infact, there was matrimonial discord between the complainant and himself. In April, 2022, he had sent a legal notice seeking divorce to the complainant and the instant FIR is a counter blast to the same. No injuries were found on the person of the victim. Trial is likely to take time. There are no chances of his intimidating the victim as she already stands examined. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations



against the petitioner who ravished his own daughter of tender age. The victim as well as the complainant has fully supported the prosecution case. Trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. With these broad submissions, it is urged that the petitioner does not deserve to be extended benefit of bail.

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

6. The petitioner who is father of the victim is alleged to have made her consume liquor on the night of 18.05.2022 and is further alleged to have committed offence of aggravated penetrative sexual assault with her and then criminally intimidated her. The victim has since been examined before the learned trial Court as PW-1, copy of her sworn deposition has been placed on record which shows that she duly supported the prosecution version. The complainant also stands examined and has supported the prosecution case. The allegations against the petitioner are quite serious in nature. Learned counsel for the complainant has placed on record copy of transcription of conversation which has taken place between the victim and the petitioner after the occurrence which *prima facie* affirms the allegations as levelled against the petitioner. Keeping in view the gravity of the allegations, the quantum of the sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove



shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

28th January, 2025
Parveen Sharma

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