



CRM-M-53150-2024

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

CRM-M-53150-2024

Date of Decision:- 03.02.2025

Pawan alias Gurdev alias Poni

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Naveen Siwach, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Pawan alias Gurdev alias Poni has filed third petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 32 dated 26.05.2021 under Sections 342, 366A, 376(2)(L), 363 of IPC and Section 6 of The Protection of Children from Sexual Offence Act, 2012, registered at Police Station Women Police Station Hansi, District Hisar.
2. Facts of the case are that Gurucharan Singh filed written complaint to police that victim is daughter of his elder sister aged about 16 years. She started residing with him for last about two months. He noticed that victim was sad. On 26.05.2021 in the presence of his mother, he enquired from her the reason for her sadness. She disclosed that the day he had gone to bring back her aunt she was sleeping with her maternal grand-

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mother. At about 12 o'clock midnight, she came outside to attend the call of nature. Accused was standing outside who took her to his house and indulged in wrongful act with her. With these allegations present case was registered.

3. Learned counsel for petitioner argued regular bail petition of petitioner mainly on the ground that petitioner is behind the bars since 29.05.2021. Trial in this case may take long time. On the ground of long custody, it is submitted that third regular bail petition filed by petitioner may be accepted.

4. On the other hand, learned counsel representing State pointed out that allegations against present petitioner are serious and grave in nature. He is booked for allegedly committing rape with a minor girl suffering from mental retardation. Even otherwise, prosecution has already concluded its evidence and it is present petitioner who is to lead his evidence in defence. Considering the gravity of offence, petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record. First bail petition bearing CRM-M No. 19536 of 2022 was declined by this Court vide order dated 11.01.2023 (Annexure P-3). Thereafter, he filed second regular bail petition bearing CRM-M No. 26925 of 2023 which was again declined by passing detailed order dated 19.09.2023 (Annexure P-4). Now this is third regular bail petition filed by petitioner. It is matter of record that as per custody certificate dated 10.12.2024, petitioner is now in custody for approximately 03 years and 08 months.

Allegations levelled against present petitioner are grave in nature. Learned

counsel representing State pointed out that prosecution has already concluded evidence. Therefore, it is for present petitioner to lead his evidence in defence. Trial in this case is at its fag end. Considering the nature of allegations and its gravity, I do not find a fit case for grant of regular bail and petition filed by present petitioner Pawan alias Gurdev alias Poni is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.02.2025
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(AMARJOT BHATTI)
JUDGE

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