

2025:PHHC:002532



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

288

CRM-M-53440-2024 (O&M)
Date of decision: 09.01.2025

Maan Singh**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. M. S. Kathuria, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition, which has been filed by the petitioner under Section 439 of Cr.P.C. seeking grant of regular bail in case arising out of FIR No. 0458 dated 01.07.2022, under Section 365 of IPC, wherein Sections 10, 17 and 6 of the POCSO Act, 2012 and Sections 120-B, 328, 34, 370-A, 376(2)(n), 376DA, 506 and 509 of IPC had been added subsequently, registered at Police Station Rohtak City, District Rohtak. The first petition, bearing number **CRM-M-43563-2023**, was dismissed as withdrawn, vide order dated 06.05.2024 and the second petition, bearing **CRM-M-22717-2023**, whereby the petitioner was seeking grant of interim bail for a period of two weeks, was dismissed, vide order dated 08.05.2023.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 01.07.2022 on the basis of a written complaint filed by complainant 'M' (*name withheld*)

2025:PHHC:002532



alleging therein that her daughter 'N' (*name withheld*) had gone to take milk at about 08:00 PM on 30.06.2022 and did not return home. She had made search for her daughter on her own but could not trace her out. She suspected that her daughter might have been kidnapped by someone. After registration of the FIR, investigation proceedings were initiated. The victim was recovered from the office of Ex-MC of Shahtri Nagar on 02.07.2022. Medico-legal examination of the victim was conducted and her statement under Section 164 of Cr.P.C. was recorded on the same day. On 06.07.2022, the victim submitted an application to the police submitting therein that her date of birth was 28.05.2007 and she was studying in 10th Class. She also stated that one Diksha used to come to her house. She lived in the house of one Ravita on rent. On 29.06.2022, the victim had gone to the house of Ravita to meet Diksha and since she was not feeling well and was in need of some money, she requested Ravita to give her an amount of Rs. 6,000/-, on which, she proposed the victim to make physical relation with a person, who would give her an amount of Rs. 10,000/- but the victim refused to do so. On which, Ravita assured to give her that amount of money and took several photographs of the victim from her phone and sent the same to one Vikas. The victim came back to her house. Thereafter, on 29.06.2022, she went to the house of Ravita and asked her to give Rs. 6,000/-. She was served some food by Ravita, on consuming which, she slept there. On waking up at around 02:00 AM on 30.06.2022, she found that four young boys were sitting in the room along with Ravita and all of them were consuming narcotic substances. The victim

2025:PHHC:002532



tried to go to her house but Ravita and Diksha forced her to stay there. In the morning, the victim was made to sit in a car with the aforesaid four boys and was taken to a house at an unknown place. On the way, one more person had boarded the car. She was intoxicated and then was subjected to aggravated penetrative sexual assault by a person. Thereafter, Vikas took her to another place, where again she was subjected to rape by a person, aged about 30-35 years. The victim was taken to different places and was raped by several persons. On 09.07.2022, the petitioner and some other co-accused were arrested. 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 along with co-accused is facing trial for the commission of the abovementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The victim, in her statement recorded under Section 164 of Cr.P.C., had not levelled any allegations of being subjected to rape by any one. Rather, she had stated that due to stomach ache, she had gone to emergency ward of the PGI on 30.06.2022 at about 07:15 PM but could not return home due to heavy rain and slept in the hospital. The victim had substantially improved her version, while submitting an application to the police on 06.07.2022, thereby making allegations of being subject to rape by several persons. No identification parade was conducted by the police. The victim as well as her mother have been examined before the learned trial

2025:PHHC:002532



Court and there are material contradictions and improvements in their statements. The victim had not identified four co-accused and they have already been granted concession of regular bail by the learned trial Court. There is nothing on record to connect the petitioner with the subject crime, except the statement made by co-accused Vikas. The victim, in her sworn deposition, has not supported her earlier version as she deposed that the age of the person was 50-55 years, whereas the petitioner is aged about 36 years only. No case for commission of subject offences has been made out against the petitioner. Trial is going on and the conclusion of the same will take time. The petitioner is in custody since 09.07.2022. With these broad submissions, it is argued that the petitioner deserves to be given benefit of regular bail.

4. Reply has been filed on behalf of the respondent-State, which is available on record. Learned Assistant Advocate General, Haryana, in terms of the reply, has argued that there are serious allegations against the petitioner. He in connivance with co-accused had subjected the minor victim to rape on the pretext of providing her some amount of money. The victim has identified the petitioner while appearing as witness before the learned trial Court and has supported the prosecution version. The petitioner had withdrawn his first bail petition after addressing similar arguments and finding that the Court was not convinced. Thereafter, he had moved second bail petition seeking grant of interim bail, which too was dismissed by this Court, as mentioned above. No new change in the circumstances has been pointed out. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the

2025:PHHC:002532



petitioner. Allegations against the petitioner are quite serious in nature. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. As per allegations, the victim, who was minor at the relevant time, was trapped by co-accused Ravita and Diksha on the pretext of providing her some amount of money and thereafter, in criminal conspiracy with other co-accused, she was taken to different places, where she was subject to aggravated penetrative sexual assault by several persons. The allegations against the petitioner are that he had also raped the victim. Although, the victim had not stated anything about her being subjected to rape but in her application submitted on 06.07.2022, she had narrated the entire incident that had happened with her. She has been examined before the learned trial Court and a perusal of her sworn deposition, a copy of which is placed on record by the petitioner himself, shows that she has duly identified the petitioner as one of the persons, who had raped her and had also supported the prosecution version. There are serious and specific allegations against the petitioner. The trial is going on and as per reply, out of total 28 prosecution witnesses, 15 witnesses have already been examined. There is nothing on record to show that there would be any undue delay in conclusion of trial. It is well settled law that minor discrepancies in the statement of a minor victim in such like cases do not weaken the case of the prosecution and the accused is not entitled to get benefit of bail solely on this ground.

2025:PHHC:002532



7. 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 petitions as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace. Hence, keeping in view the nature and gravity of the offence, the quantum of sentence which the conviction may entail, I am of the considered opinion that 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, the present petition is dismissed.

8. 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.

09.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No