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

CRM-M-62633-2024

Date of Decision:- 14.01.2025

Sarvan Saini

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rajesh Malik, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Ms. Nandini Gupta, Advocate for
Mr. Abhilaksh Grover, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

Petitioner Sarvan Saini has filed anticipatory bail petition under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No. 304 dated 26.10.2024 under Section 140(3), 3(5), 351(3), 70(2) of Bharatiya Nyaya Sanhita, 2023 registered at Police Station Civil Line, District Sonapat (Annexure P-1).

2. Facts of the case are complainant gave her statement that victim is her daughter, age about 17 years. On 24.10.2024 (Thursday) at about 06:00-7:00 pm, she went out to buy books and on the way Deepak and one more person kidnapped her and called another person namely Sarvan. Sarvan, Deepak and one more person committed gang rape, harassed her and one more person also participated in commission of

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crime. She (complainant) is residing alongwith her daughter and son. Accused persons are pressurizing her that in case matter is reported to police, they would be killed. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that allegations levelled against petitioner are false. There is delay of two days in lodging FIR. Facts have been twisted and concocted version has been prepared to falsely implicate petitioner. It is claimed that victim was kidnapped from the place which is a busy area. Photographs of said area are Annexure P-5. Therefore, kidnapping of said victim from said area is not probable. As per MLR, victim did not suffer any internal or external injury. Therefore, allegations of gangrape are without any basis. It is pointed out that to prove his innocence, petitioner has undergone polygraphy test and copy of test report is annexed as Annexure P-3. Said polygraphy test shows that present petitioner had not molested or raped the victim. Accused Praveen alias Rimpay was arrested on 24.10.2024. Other accused are namely Gaurav and Dimpy. Car of Dimpy alias Rakesh was left by police. Present petitioner is ready and willing to join investigation and he will fully cooperate. It is prayed that his anticipatory bail petition may be allowed.

4. Anticipatory bail petition is opposed by learned counsel representing State. Detailed status report has been filed, according to which proper investigation was carried out. Medical examination of victim was got conducted. There are four accused namely Deepak alias Khatka, Parveen alias Rimpay, Sarvan (petitioner) and Rakesh alias Dimpy. Challan has been presented against all accused except present petitioner and case is

pending before the trial Court for framing of charge-sheet on 17.01.2025.

Present petitioner is specifically named. His custodial interrogation is required. Therefore, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record carefully. As per contents of FIR, present petitioner is specifically named who is yet to join investigation. There are specific serious allegations of gangrape. Other three accused are already apprehended and challan has been presented qua them. Present petitioner is evading his arrest and he is yet to join investigation. Considering the gravity of offence and specific allegations, I do not find a fit case for grant of anticipatory bail to petitioner and accordingly, his anticipatory bail petition is dismissed.

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

14.01.2025

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(AMARJOT BHATTI)
JUDGE

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