

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24971-2015

Date of Decision: September 11, 2015

Joginder @ Jagga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Saurabh Dalal, Advocate,
for Mr. Paramjeet Singh, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Addl. AG, Haryana,
for the respondent.

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Joginder @ Jagga, son of Nafe
Singh, resident of House No. 882/14, Vijay Nagar, Rohtak, who has
been booked for having committed the offences punishable
under Sections 148, 323, 376, 452 and 506 read with Section 149,
IPC, in a case arising out of FIR No. 225, dated 12.6.2015,
registered at Police Station, Shivaji Colony, Rohtak.

Learned counsel contends that even if the whole case
of the prosecution is taken at its face value, then also it is clear

that the petitioner has not committed rape on the prosecutrix; as per prosecution version, Surinder, brother of the petitioner had committed rape with the prosecutrix at the gun point; the brother of the petitioner never owned any fire arm; no fire arm was recovered after arrest of Surinder, brother of the petitioner; Surinder, brother of the petitioner had illicit relations with the prosecutrix and when it came to the notice of the husband of the prosecutrix, then to widen the array of the accused, the petitioner has been involved in the present case; the matter also came to the knowledge of the women-folk of both the private factions and, as such, a quarrel had taken place in which the prosecutrix and her husband had sustained simple injuries; the main accused, Surinder, is also behind the bars; and that after completion of investigation, the charge-sheet (report under Section 173, Cr.P.C.,) has been presented before learned Area Judicial Magistrate. He further contends that even the case has been committed to the Special Court and the case is fixed for consideration of charges.

Learned counsel for the State after taking instructions from ASI (Smt.) Santosh of Police Station, Shivaji Colony, Rohtak, has not controverted the factual aspects put forth by learned

counsel for the petitioner, however, he submits that attempt to commit rape by the petitioner is clearly made out.

After hearing learned counsel for the parties but without discussing much on the merits of the case, this Court is of the considered view that the present petition has to be accepted.

Ordered accordingly.

The petitioner is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with one surety of the like amount, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Rohtak.

(NARESH KUMAR SANGHI)
JUDGE

September 11, 2015
Pkapoor