

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

207

CRM-M-28208-2015
Decided on : 31.08.2015

Manoj Yadav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE NARESH KUMAR SANGHI

Present : Mr.Neeraj Gaur, Advocate
for the petitioner.

Mr.Kuldeep Tewari, Addl.AG, Haryana.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to petitioner, Manoj Yadav who has been booked for having committed the offences punishable under Sections 354, 354-A, 376(2) (E), IPC, in a case arising out of FIR No.509, dated 23.07.2015, registered at Police Station, Sector 10, Gurgaon.

Learned counsel for the petitioner contends that there was delay of 07 days in reporting the matter to the police. The statement of staff nurse of the petitioner has been recorded in terms of Section 164 Cr.P.C. by the Investigating Agency and perusal of the said statement reveals that the petitioner had no opportunity to outrage the modesty or to commit rape upon the

prosecutrix and that, to the contrary, the material available on record would reveal that it is a case of consent.

On the other hand, learned State counsel after going through the police file brought by ASI-Mohd. Shariff of Police Station Sector 10, Gurgaon submits that it is highly improbable that a respectable woman aged about 23 years would make false and frivolous allegations against a doctor; the case set up by the petitioner that it was a case of consent is absolutely wrong and that specific allegation of outraging modesty and commission of rape as per amended provisions of IPC are clearly made out against the petitioner.

After hearing learned counsel parties and going through the material available on record, this Court finds that there are specific allegations of outraging modesty and sexual exploitation of the prosecutrix by the petitioner.

No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

[Naresh Kumar Sanghi]
Judge

31.08.2015
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