

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-28615 of 2015 (O&M)
Date of decision: 29th September, 2015

Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Munish Mittal, Advocate,
for the petitioner.

INDERJIT SINGH, J.
Criminal Misc.No.29416 of 2015

Application is allowed subject to all just exceptions.

Criminal Misc.No.M-28615 of 2015

Petitioner has preferred this petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.244 dated 07.06.2015, registered at Police Station Indri, District Karnal, under Section 506 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012.

Notice of motion.

On the asking of the Court, Mr. Himmat Singh, AAG, Haryana has accepted notice on behalf of respondent(s)-State and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per prosecution version, petitioner-accused Sunny is neighbour of complainant Dharambir and they were on visiting terms to each other house for the last 10-15 years. It is also stated in the

FIR that at the time of occurrence i.e. on 04.06.2015, wife of petitioner had gone to her maternal home and the petitioner, being neighbour, called the prosecutrix, daughter of complainant, at his home in the afternoon at 3:00 p.m. for cooking food. When she went in the kitchen for cooking food then the petitioner gagged her mouth and committed rape upon her in the kitchen. It is also stated in the FIR that the matter was disclosed by the prosecutrix to her father-complainant on 07.06.2015 because she was under fear. The examination in chief of prosecutrix has already been recorded before the learned trial Court and she has supported the prosecution version. The copy of her statement has been placed on record. The cross-examination of prosecutrix is yet to be recorded and there is every possibility of tempering with the evidence. If the petitioner is released on bail, he may abscond.

Therefore, keeping in view the facts and circumstances of the present case; the nature and gravity of the offence and the fact that cross-examination of the prosecutrix is yet to be recorded, I do not find it a fit case to grant the regular bail to the petitioner.

Therefore, finding no merit in the present petition, the same is dismissed.

29th September, 2015
mamta

(INDERJIT SINGH)
JUDGE