

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

CRM-M-28979 of 2015.
Decided on:-04.09.2015.

Hamid.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

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

Present:- Mr. Mohammad Arshad, Advocate
 for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.434 dated 2.11.2013 under Sections 363, 366 IPC and Section 18 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Hathin, District Palwal.

The aforesaid FIR was registered against the petitioner on the basis of a complaint made by Hanif son of Illiyas, caste Meo, resident of Tokka, wherein, he had stated that his wife Khatija was having injuries in

her stomach and for this reason, he had brought daughter of his brother-in-law, namely, Sahida to his house. Sahida is about 14-15 years of age and resident of village Gujjar Nagla. On 1.11.2013 at about 9.30 p.m., his neighbours, namely, Javed son of Rasid and Wasim son of Rashid and their companion Sahun, who is their relative came to his house in a Bolero vehicle. They dragged Sahida in the said vehicle and ran away. They had also given beating to his wife Khatija and had stolen her Hasli.

Learned counsel for the petitioner has contended that apart from the fact that the name of the petitioner does not figure in the FIR, there is tendency in the area of lodging such like false cases. The present case is also a false one. No specific allegations have been levelled against the petitioner. He has further submitted that there is contradiction in the statement of the prosecutrix recorded under Section 164 Cr.PC and in her deposition while appearing in the witness box as PW13. While making statement under Section 164 Cr.PC, the prosecutrix has stated that the other three persons had never raped her, whereas, while making deposition as PW13, she has stated that four accused had raped her. He has further submitted that the prosecutrix is major and has performed Nikah with accused Javed. She has also filed a petition before this Court under Section 482 Cr.PC seeking protection to her life and liberty.

Learned counsel for the petitioner has further contended that the petitioner is in custody since 15.12.2014 and the trial will take sufficient

long time as the prosecution witnesses are not coming forward to depose in the case.

On the other hand, learned counsel for the State, on instructions from ASI Indraj Singh, has stated that the trial in the present case is at a very advance stage. As against total 16 witnesses cited by the prosecution, 13 have already been examined and the case is fixed for 8.9.2015 for recording statements of remaining 3 witnesses.

I have heard learned counsel for the parties.

The allegations made against the petitioner are serious in nature. The age of the prosecutrix is stated to be about 14-15 years and the contention of the petitioner that he has falsely been implicated in the present case cannot be accepted at this stage. This aspect is yet to be determined during trial. Moreover, the trial is going to be concluded as most of the prosecution witnesses have already been examined and the case is fixed for 8.9.2015 for recording the remaining evidence of the prosecution. Therefore, taking into consideration seriousness of the allegations made against the petitioner, no ground for regular bail is made out.

Accordingly, the instant petition, being devoid of any merit, is dismissed.

September 04, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE