

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-35542 of 2015

.....

Date of decision:26.11.2015

Jagmohan

...Petitioner

v.

State of Haryana

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Himmat Singh, Assistant Advocate General, Haryana for  
the respondent-State.

.....

**Inderjit Singh, J.**

The petitioner has filed this petition under Section 439 Cr.P.C.  
for grant of regular bail in case FIR No.787 dated 22.10.2013 registered for  
the offences under Sections 363, 365, 376-D, 343, and 506 IPC and Section  
3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)  
Act, 1989 read with Sections 6 and 15 of POCSO Act at Police Station City  
Bhiwani, District Bhiwani.

Notice of motion has been issued in this case.

Mr. Himmat Singh, learned Assistant Advocate General,  
Haryana has put in appearance on behalf of the respondent-State and  
contested this petition.

I have heard learned counsel for the petitioner and learned

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Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that in the present case the FIR has been registered on the statement of father of the prosecutrix, who was aged 17 years at the time of occurrence. As per the prosecution version, the allegation of rape on the basis of blackmailing has been levelled against the present petitioner. The petitioner is in custody since 23.12.2013.

Keeping in view the nature and gravity of the offences and also the allegation of rape against the present petitioner and gang rape etc. against other accused also, I do not find it a fit case where the present petitioner is entitled to the benefit of bail. Otherwise also, if the petitioner is released on bail, there is every chance of tampering with the evidence.

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

However, the trial Court is directed to expedite the trial of this case as the petitioner is in custody for the last about two years and it is stated that an application under Section 319 Cr.P.C. is pending before the trial Court for the last one year. The trial Court is directed to expedite the disposal of the case by giving short adjournments and by giving day to day adjournments, if necessary.

November 26, 2015.

**(Inderjit Singh)**  
**Judge**

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