

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

**Criminal Misc. No. M-36562 of 2015
Date of Decision: 03.11.2015**

Atender

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

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?*

Present:- Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.A.G., Haryana.

HARI PAL VERMA J.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.33 dated 23.3.2015 under Sections 363, 366-A, 120-B of the Indian Penal Code, 1860, Sections 33-89 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Tigaon, District Faridabad.

Learned counsel for the petitioner contends that apart from the fact that there is unexplained delay of two days in lodging

the FIR, as the alleged incident took place on 21.3.2015 whereas the FIR was lodged on 23.3.2015, the investigation in the present case is already complete and final report under Section 173(4) of the Code of Criminal Procedure, 1973 has been submitted before the trial Court and charges have been framed. He further submits that the prosecutrix and other witnesses have already been examined and therefore, in the event of petitioner's admission on bail, there is no possibility of tempering with the evidence.

Learned State counsel has argued that the allegations against the petitioner are very serious in nature, as the petitioner has kidnapped the minor prosecutrix and thereafter, committed rape upon her against her wishes.

I have heard learned counsel for the parties.

Taking into consideration the allegations against the petitioner which are serious in nature, as the petitioner-accused has kidnapped the minor prosecutrix against her wishes and the fact that the trial is close to its conclusion, this Court is not inclined to grant the benefit of regular bail to the petitioner.

Accordingly, the present petition is dismissed.

However, it is made clear that the observations made here-in-above shall not be construed any expression on the merits of the case. The trial Court shall decide the case on the basis of evidence as available on record.

November 03, 2015
AK

(HARI PAL VERMA)
JUDGE