

CRM-M-38302-2015(O&M)

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision: 06.11.2015

Ram Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashit Malik, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail in FIR No.44, dated 21.02.2015, under Sections 376D, 323, 506 of the Indian Penal Code, 1860 and 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police station Ladwa, District Kurukshetra.

Learned counsel for the petitioner has submitted that petitioner was not named in the FIR. In fact the name of the petitioner has been mentioned by the prosecutrix after five months of occurrence before the trial Court when her statement was recorded during trial. Petitioner was a counsel of the opposite party in a civil suit filed against the grand-

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father of the prosecutrix and due to this reason he has been falsely involved in this case.

Prosecution story, in brief, is that on 20.02.2015 there was marriage of Raj Kumar. At about 7:30 p.m. prosecutrix went to fill water from the tap. Parveen and two other persons caught hold of the prosecutrix and took her to a room where she was raped by the said persons. After completion of investigation and necessary formalities, challan was presented against accused Parveen and Mangat. When the prosecutrix appeared in the witness box during trial as PW-3, she named the petitioner as one of the accused who had also raped her along with his co-accused.

Annexure P-4 is the statement of the prosecutrix. A perusal of the same reveals that during cross-examination, prosecution has specifically explained that she did not know the name of the petitioner and that is why she has not been able to disclose his name when the FIR was registered. She had visited the Court for filling up the form for money and the petitioner was going on the road and had identified him. The prosecutrix disclosed the said fact to her father and he inquired the name and father's name of the petitioner. She further stated that her father had moved an application against the petitioner and Rajesh but no action was taken on the same.

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During the course of arguments, it has further transpired that during the pendency of the trial prosecutrix has committed suicide.

Keeping in view the facts and circumstances of the case, no ground for grant of anticipatory bail to the petitioner, is made out.

Dismissed.

November 06, 2015
kapil

(SABINA)
JUDGE