

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

**Crl. Misc. No. M-4000 of 2015
Date of Decision:-03.3.2015**

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Amit Singla, Advocate
for the petitioner.

Ms. Neelam Kashyap, Deputy A.G., Haryana.

HARI PAL VERMA J.

Prayer in this petition, filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner Sandeep s/o Ram Singh, resident of Village Bangaon, Tehsil and District Fatehabad.

The petitioner has been booked for having committed an offence under Sections 376(2) n, 376(2) F, 354A (i) of the Indian Penal Code and under Sections 6 & 8 of the Protection of Children from Sexual Offences Act, 2012, registered at police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner has argued that prima facie no offence under Sections 376(2) n, 376(2) F, 354A (i) of the Indian Penal Code and under Sections 6 & 8 of the Protection of Children from Sexual

Offences Act, 2012 is made out against the petitioner and there is inordinate and unexplained delay in lodging the FIR No.363 dated 7.12.1994. The petitioner has falsely been implicated in the present case as the contents of the FIR are highly unnatural and improbable. He further states that the only allegation against the petitioner is that he hold the hand of complainant Priyanka and given slaps and fists while she was playing in the play-ground. There is no allegation in the FIR against the petitioner that the rape was ever committed by him upon the prosecutrix. It is contended that the cousin sister of the prosecutrix is in living relation with co-accused Kuldeep and because of this reason also the petitioner has falsely been implicated.

On the other hand, learned State counsel has argued that the prosecutrix Priyanka d/o Sohan Lal has made a statement under Section 164 Cr.P.C. before the Chief Judicial Magistrate, Fatehabad and has levelled specific allegations against the petitioner, namely, Sandeep.

After hearing learned counsel for the parties and going through the record, I find that the petitioner is not entitled to the concession of grant of anticipatory bail. The pleas of the learned counsel for the petitioner that there is inordinate delay in lodging the FIR and that the cousin sister of the prosecutrix is in living relationship with co-accused Kuldeep are required to be considered during the course of trial.

Accordingly, the present petition is dismissed.

March 03, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE