

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

Criminal Misc.No.M-40286 of 2015

Date of Decision: December 07, 2015

Devender @ Lala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Ashok Kaushik, Advocate,
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Devender @ Lala, who has been booked for having committed the offences punishable under Sections 216, 323, 363, 366-A and 376 read with Section 34, IPC, in a case arising out of FIR No.142, dated 27.03.2014, registered at Police Station, Camp, Palwal.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value, then also the only part attributed to the petitioner is that he along with his co-accused, Shiv Kumar and Manohari Lal, forcibly took the prosecutrix to Manohari Lal's house and thereafter, in the

evening, Shiv Kumar took away the prosecutrix to some other place where the rape was committed upon her. He further submits that the petitioner is behind the bars from 12.06.2015 and after completion of the investigation, the charge-sheet (*challan*) has been presented.

Learned counsel for the State, after taking instructions from ASI Varinder Singh, Police Station, Camp, Palwal, and going through the police file, very fairly concedes that there are no allegations of commission of rape upon the prosecutrix by the petitioner, Devender @ Lala. However, he was the main person who facilitated kidnapping of the prosecutrix.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, the petitioner had not committed rape on the prosecutrix. After completion of the investigation, the charge-sheet (*challan*) has been presented. The petitioner is behind the bars from 12.06.2015.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. Petitioner, Devenere @ Lala, s/o Tek Chand, r/o Ward No.3, Mohan Nagar, Palwal, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to

the satisfaction of learned Chief Judicial Magistrate/Duty
Magistrate, Palwal.

December 07, 2015
seema

(Naresh Kumar Sanghi)
Judge