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

**CRM-M No.6775 of 2015
Date of Decision: 07.04.2015**

**ASHOK
Vs
STATE OF HARYANA**

**.....Petitioner

.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.68 dated 05.02.2014 registered under Sections 376, 376(2), 354, 342, 506 IPC at P.S. City Rohtak.

According to allegations in the FIR, the prosecutrix alleged that for the last 5-6 years she is residing in the house of her maternal uncle and she is a student of GNM Course in Rohtak. Petitioner lives in the neighborhood and established friendship with her. The petitioner/accused took the prosecutrix from her College to a house in Khokhra Kot, Rohtak by giving threats and did wrong acts with her. Further threats were also made that in case the matter is reported to anyone then her brother and mother would be done to death. Under this threat, petitioner used to rape her on number of times. The prosecutrix did not tell this fact to anybody due to fear and on

persistent asking, she disclosed these facts to her family members. With this background the FIR in question came to be registered.

Learned counsel for the petitioner states that prosecutrix has been examined as PW-2 and in her statement she has deposed that she did not raise any hue and cry when the accused met her outside the college and took her to a house in Khokhra Kot, Rohtak. The prosecutrix further admitted that it is correct that about the misconduct, they did not report the matter to the Police or any Panchayat.

Learned counsel further relies upon the assertion made by the prosecutrix that she was using number of mobile phone given by the accused.

On the other hand, learned State counsel on instructions from SI Sri Bhagwan, states that out of 19 witnesses 14 have been examined and in view of material on record, petitioner is not entitled to bail.

Looking to the aforesaid facts, this petition is allowed.

The petitioner is ordered to be enlarged on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Rohtak.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 07, 2015.
Atik

(RAJ MOHAN SINGH)
JUDGE