

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

Crl. Misc. No.M-10551 of 2016

Date of Decision: 05.04.2016

Sombir

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Sandeep Thakan, Advocate
for the petitioner.

Ms. Trishanjali Sharma, A.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This is the second petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case, FIR No.51 dated 22.03.2015 registered under Sections 363, 366-A, 376-D, 376(2), 109, 212 and 120-B of Indian Penal Code and Section 6 of POCSO Act at Police Station Baund Kalan, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. No overt act has been attributed to the petitioner. The petitioner has neither kidnapped nor raped the victim. He has been implicated only on the allegation that the victim was kept in the room but no allegation of commission of rape is there.

Learned counsel for the respondent-State submits that except one witness, all prosecution witnesses have been examined and the trial is likely to be concluded. She further submits that the earlier petition was dismissed only on 08.01.2016. No new ground is there in the present petition and the stage of trial is also same when the earlier petition was dismissed.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR.

Admittedly, the earlier petition filed by the petitioner was dismissed as withdrawn on 08.01.2016. No new ground has been made in the present petition. Moreover, the stage of trial is at the fag end as except one witness, all PWs have been examined. The allegation against the petitioner is that he facilitated the main accused to commit rape upon the victim, who was 16 years of age. The victim was stated to be recovered from the room, where, she was allowed to be in the company of another accused. It is also not disputed that the room, where, the rape was committed belongs to the petitioner and he has stated that he was working as a labour in State of M.P.

Keeping in view the seriousness of offence and age of the victim being less than 18 years and stage of the trial, no ground is made out to release the petitioner on regular bail, the petition is accordingly dismissed.

However, the trial Court is directed to conclude the trial expeditiously.

05.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE