

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-16480 of 2016

Date of decision : 27.09.2016

Ahmed

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sarfraj Hussain, Advocate for the petitioner

Mr. Apoorv Garg, DAG Haryana

Mr. Mohd. Salim, Advocate for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 463 dated 21.10.2013 registered at Police Station Punhana, District Mewat under Sections 363, 366 and 376-D IPC.

Learned counsel for the petitioner contends that the petitioner is in custody since 25.02.2014 and the prosecutrix and her father have been examined. The counsel urges that the victim was having an affair with Rashid but she was under pressure of her parents and, therefore, she had made a statement against the accused. The counsel urges that since the statement of the victim has been recorded, therefore, it not a case where they can temper with evidence. He further states that trial has been delayed and bail may be allowed to the petitioner.

Learned State counsel opposes the bail application and urges that it is a case of gang rape and the girl was picked up on 12.10.2013 and she was recovered three days later and the prosecutrix had made a statement against the petitioner. He further states that girl was little over 16 years.

The allegations are serious. The zimni orders are not available, therefore, it is not possible to comment as to whether delay was on the part of the State.

No case for bail is made out.

The petition is dismissed. The trial Court would expedite the trial.

(ANITA CHAUDHARY)
JUDGE

September 27, 2016

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Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No