

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

Crl. Misc. No.M-22004 of 2016

Date of decision : 09.08.2016

Anju @ Om Parkash

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. K.S. Aulakh, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.77 dated 12.07.2015, registered under Sections 376, 354, 451, 120-B IPC and Sections 3 & 4 of POCSO Act, Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner is in custody since 10.07.2015 and out of 17 witnesses only 2 witnesses have been examined. It is also stated that examination in chief of the prosecutrix had been recorded. The counsel further contends that the role given to the petitioner is that he had closed the mouth of the sister of the victim.

The allegations levelled by the complainant were that she and her cousin went to Nohra which was at a considerable distance from their house at about 11/12:00 noon to give water to the cattle. The cousin

(Pushpa) went to the bathroom while the complainant sat on the cot. The allegations are that Ved Parkash, Sunil and the petitioner came to the Nohra and Ved Parkash entered the room and committed rape upon the complainant. On hearing the cries Pushpa came out of the bathroom to help her when Sunil caught hold her from the arms while Om Parkash closed her mouth.

In the evidence before the Court a slightly different statement was made which is in contradiction to the story given on the first occasion. The trial is proceeding at a low pace. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

09.08.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No