

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

Crl. Misc. No.M-22471 of 2016

Date of decision : 19.08.2016

Bhagat Singh

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Karan Pathak, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Sanjiv Gupta, Advocate
for the complainant.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No.291 dated 15.07.2015, registered under Sections 365, 376, 120-B IPC, Police Station SGM Nagar, Faridabad, District Faridabad.

The counsel for the petitioner contends that in the statement given by the victim under Section 164 Cr.P.C., she had stated that she had a quarrel with the parents and had left the house on her own and on that basis the police had prepared a cancellation report but subsequently on 22.08.2015 the prosecutrix made another statement under Section 164 Cr.P.C. whereas she levelled allegations of rape and she had been tutored and the allegations were false and the girl was major.

The complainant side has appeared and it is urged that the conduct of the petitioner needs to be shown first. The counsel refers to Annexure P-3 and urges that the petitioner had approached the Court for anticipatory bail but when the Court had not inclined, they had wanted to withdraw the petition and the petitioner was asked to surrender before the police in February, 2016 but he failed to surrender and then filed another application seeking anticipatory bail. That too was dismissed on 15.02.2016 and that order was challenged before the Supreme Court and the petitioner was asked to surrender and file an application for regular bail and the surrender was made only on 21.05.2016. It was urged that the petitioner is an ASI with the police and he is a married man and allegations of rape have been levelled.

The State counsel informs that the case has been committed and charge has been framed but the statement of witnesses is yet to be recorded.

Considering the above and keeping in mind the fact that there are allegations of rape, no case for bail is made out.

The petition is dismissed.

19.08.2016

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No