

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

CRM-M-No.23033 of 2016

Date of decision: 21.07.2016

Anil

...Petitioner

Vs

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present:- Mr. Sanjeev Sheokand, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

ANITA CHAUDHRY, J.(Oral)

This is a second petition under Section 439 Cr.P.C seeking regular bail in FIR No.318 dated 29.08.2014 registered under Sections 365/302/120-B/344/506 and 376(2) (n) of IPC and Section 4 & 8 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner contends that it was a case of road side accident but the complainant (brother of the prosecutrix) in connivance with the Investigating Officer twisted the facts and made a different story. It was urged that Manisha had gone on her own and that was the version given to the Medical Officer. It was urged that 12 witnesses have been examined out of 26 witnesses and the prosecutrix and her father had turned hostile.

Bail application was opposed by the State and it was urged that the complainant had supported the prosecution story and different

statements were made by the girl and it is the trial court which would decide which statement is to be accepted. Learned State counsel also states that the girl was under 18 years old and the question of consent would not arise and in the MLR there is a reference to sexual assault on the victim but she changed her statement subsequently.

The incident occurred at about 4.00 am, the prosecutrix is stated to have been enticed, the mother woke up and came out. The allegations are that the accused in a bid to take away the girl, bumped the mother who sustained head injuries and later died. The victim had made different statements, though at the trial she had supported the accused. The complainant stands by his version.

In my view, it is not a fit case for bail. The petitioner is in custody since 08.09.2014, the trial Court would expedite the trial and complete it within four months from the next date, which is stated to be 09.08.2016. The defence would not seek unnecessary adjournments so as to enable the trial Court to complete the trial within the time frame given.

A copy of the order be sent to the Court below.

(ANITA CHAUDHRY)
JUDGE

July 21, 2016
vanita