

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27025 of 2016
Date of Decision: 09.09.2016

Vankey

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.A.S.Brar, Advocate, for
Mr.Harkesh Manuja, Advocate, for the petitioner.

Ms.Mahima Yashpal, AAG, Haryana.

RITU BAHRI, J. (ORAL)

The prayer in the instant petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.771 dated 25.12.2015, for the offence punishable under Sections 363/366-A/506/34 IPC and Section 4 of POCSO Act, registered at Police Station Samalkha, District Panipat.

As per allegations set out in the FIR, the daughter of the complainant aged 17 years had gone with Ashu son of Raj Singh. The mobile numbers Ashu and his father Raj Singh have been mentioned in the FIR i.e. 8398002404 and 9813975562 respectively. After registration of the FIR, the daughter of the complainant was recovered on 06.01.2014 from the company of Ashu from the border of Delhi. The role attributed to the petitioner is that he had accompanied co-accused Ashu and daughter of the complainant in his car to Delhi. In the statement made by the prosecutrix under Section 164 Cr.P.C. she has named the petitioner because he had common intention with the co-accused for kidnapping her. The petitioner

has been arrested on 29.02.2016. The application for regular bail of the present petitioner was dismissed on 26.04.2016 as trial was fixed for arguments on 28.04.2016.

Learned counsel for the state has informed the Court that after framing of charges, out of 15 witnesses, 9 witnesses have been examined and the complainant and his daughter have turned hostile. He further submits that as per report of the FSL, report was found positive that sexual intercourse has been committed. However, role attributed to the petitioner is only that he on 24.12.2015, accompanied the co-accused and daughter of the complainant for going to Delhi and he was not present at the time when the prosecutrix was recovered.

In view of the above and considering the fact that petitioner has not attributed any role to commit rape with the complainant, petitioner be released on regular bail subject to the satisfaction of Duty Magistrate/Illaq Magistrate, Panipat.

(RITU BAHRI)
JUDGE

09.09.2016
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