

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31038 of 2016
Date of Decision: 08.09.2016

Gugan Ram @ Gogal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.R.N.Lohan, Advocate, for the petitioner.

Ms.Mahima Yashpal, AAG, Haryana.

RITU BAHRI, J. (ORAL)

This petition has been filed under section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.381 dated 13.10.2015 for the offence under Sections 346, 366-A, 370, 376 IPC and Section 4 of the POCSO Act registered at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner submits that prosecutrix did not name the petitioner in the FIR as well as in her statement under Section 164 Cr.P.C.

As per allegations set out in the FIR that at the time of incident, prosecutrix was minor, but co-accused threatened her to go with him and after committing rape with the prosecutrix he handed over her to another person in the next morning of the incident, who had also committed rape upon the prosecutrix and then sold her to the petitioner in Rajasthan for a sum of Rs.80,000/- and then petitioner confined the prosecutrix in a room for about two months and during this period he had committed rape with her several times with out her consent.

Challan has been presented against all the accused and charges have also been framed against them. Out of 19 witnesses, 3 witnesses have been examined. Prosecutrix was minor at the time of incident and she identified the petitioner.

In view of the above and considering the fact that prosecutrix was minor at the time of incident, no ground is made out to release the petitioner on regular bail. Accordingly, the present petition seeking regular bail qua the petitioner is dismissed.

(RITU BAHRI)
JUDGE

08.09.2016

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