

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.34280 of 2016
DATE OF DECISION: October 26,2016

YOGESH KUMAR

...Petitioner

versus

STATE OF PUNJAB AND ANOTHER

Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Chand Ram Olla, Advocate, for the petitioner.
Ms. Amol Grewal, DAG, Punjab.

RITU BAHRI, J.

This is a petition for the grant of anticipatory bail to the petitioner in case FIR No.145 dated 23.07.2015, under Sections 363, 366-A, 376, 328, 109 IPC and Section 4 of Protection of Children from Sexual Offence Act registered at Police Station City Rajpura, District Patiala.

Vide order dated 26.09.2016, this Court issued notice of motion.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, inasmuch as, the petitioner was found innocent during investigation. He was not present at the time of alleged occurrence. He further submits that the petitioner has no concern with the alleged commission of crime. He also submits that the

petitioner was summoned under Section 319 Cr.P.C. by the trial court vide order dated 02.05.2016, on the allegations, upon which, he was found innocent by the police. On that basis, learned counsel for the petitioner submits that the concession of bail be extended to the petitioner.

Per contra, learned State counsel submits that the specific allegations have been leveled against the petitioner. The role ascribed to the petitioner is that he along with his accomplice has committed rape upon the prosecutrix. Not only this, the prosecutrix while appearing in the witness box as PW1 narrated the tale of woe, endorsing the version put forth in the FIR.

I have heard the learned counsel for the parties.

Initially, the FIR was registered against the petitioner and his accomplice namely Shunty. During the investigation, the petitioner was found innocent. On examining the evidence of the prosecutrix as PW1, the petitioner was found to be involved in the commission of crime, as a result thereof, the application moved by the prosecution under Section 319 Cr.P.C. was allowed.

Keeping in view the role ascribed to the petitioner, the petition for anticipatory bail deserves to be dismissed. Accordingly, it is dismissed.

Needless to say that any observation made in the present petition shall construe as an expression of opinion on the merits of the case.

October 26,2016
KD

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No