

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38563 of 2016 (O&M)
Date of Decision: 15.12.2016

Pardeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Shalender Mohan, Advocate, for the petitioner.

Mr.Anmol Malik, AAG, Haryana.

RITU BAHRI, J. (ORAL)

CRM No.36124 of 2016

Application is allowed.

The main case is taken up for today.

CRM-M-38563 of 2016

The prayer in the instant petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.153 dated 27.04.2016 for the offence under Sections 346, 363, 376D IPC and Section 6 of POCSO Act, 2012, registered at Police Station Narnaund, District Hisar.

Petitioner is in custody since 13.04.2016.

Learned counsel for the petitioner has argued that in the statement made by the prosecutrix under Section 164 Cr.P.C., no role has been attributed to the present petitioner with regard to the offence under Section 376 IPC. However, after recording the statement of prosecutrix under Section 164 Cr.P.C. again an application was moved before the illaqa

Magistrate for again recording the statement of the prosecutrix under Section

164 Cr.P.C. and the same application was dismissed vide order dated 30.04.2016 (Annexure P-2). The trial Court while dismissing the second application observed that the second statement was being made by the victim after a gap of time and possibility of putting pressure on the victim by parents, relatives and other members of the society cannot be ruled out. The learned trial Court declined the bail of the petitioner on the ground that confessional statement of the main accused Ram Mehar @ Ramu that he and present petitioner had committed rape upon the prosecutrix.

Learned State counsel has referred to the supplementary statement and states that allegation of the rape had been attributed to the Ram Mehar, Pardeep Kumar-petitioner and one Sonu. However, challan has been presented against the petitioner-Pardeep, Ram Mehar and Raj Kumar @ Kala. Raj Kumar @ Kala has been granted bail on 06.09.2016 on the ground of supplementary statement made by the prosecutrix under Section 164 Cr.P.C.

Keeping in view that co-accused of the petitioner was granted bail on the initial statement under Section 164 Cr.P.C. made by the prosecutrix, petitioner is liable for concession of bail on the same ground. Accordingly, petitioner be released on regular bail on furnishing his fresh bail bonds/sureties to the satisfaction of Duty Magistrate/Illaq Magistrate, Hisar.

(RITU BAHRI)
JUDGE

15.12.2016
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>