

In the High Court of Punjab and Haryana at Chandigarh

1. Crl. Misc. No. M-38917 of 2016
Date of Decision: 15.11.2016

Manish KumarPetitioner

Versus

State of HaryanaRespondent

2. Crl. Misc. No. M-39223 of 2016

SonuPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sunil Saharan, Advocate
for the petitioner.
(In CRM-M-38917-2016)

Mr. R.S.Arya, Advocate
for the petitioner.
(In CRM-M-39223-2016)

Ms. Dimple Jain, AAG, Haryana.

ANITA CHAUDHRY, J(ORAL)

These are two petitions under Section 439 Cr.P.C. seeking regular bail in FIR No. 162 dated 4.5.2016 registered at Police Station Narnaund, District Hisar filed by the petitioners which are being taken up together.

Counsel appearing for petitioner Manish Kumar contends that the petitioner is in custody since 4.5.2016 and investigation is over and no

allegations have been made under Section 376 IPC against Manish.

Counsel appearing for petitioner Sonu contends that the story projected by the prosecutrix is improbable and there is a delay in lodging of the FIR. Counsel further contends that the allegations are that Naresh hid in the washroom in the house of the complainant and when the victim went inside at about 10.30 P.M., she was gagged and forcibly taken out of the house and two men were standing on the gate and she was taken on a motor cycle and was raped by Naresh. Counsel further contends that Sonu is referred to belonging to Jat community whereas he is not of that community and it is the mother who has improved upon the statement and he was not known to the other accused and there was a money dispute. It was urged that Devender was not named in the FIR and he has been allowed bail by this Court.

No allegations of rape have been levelled against both the petitioners. As per the site plan prepared by the investigating officer, the washroom is inside the house and the house is enclosed with a boundary wall and it has a main door. The allegations are that Naresh hid in the washroom and when the victim went inside, she was gagged and taken out of the house where Manish and Sonu were standing. In the statement recorded under Section 164 Cr.P.C., there are no allegations of rape. The girl had then stated that an attempt to outrage her modesty was made by Naresh and she had also stated that Manish and Mukesh were called by Naresh. The trial will take time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, both the petitions are allowed and the petitioners are ordered to be released on bail

on their furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate with the conditions that the petitioners would stay away from the victim and will not tamper with evidence.

(ANITA CHAUDHRY)
JUDGE

November 15, 2016
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No