

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-40455-2015 (O&M)

Date of decision : 04.03.2016

Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manoj K. Tanwar, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Randhir Singh.

JITENDRA CHAUHAN, J.

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.115 dated 14.05.2014, registered under Sections 363, 366-A, 354-A, 376, 120-B of the Indian Penal Code and Section 4 of the Prevention of Children from Sexual Offences Act, at Police Station Nangal Chaudhary, District Mohindergarh, Haryana.

The learned counsel for the petitioner contends that the only role attributed to the petitioner is that he accompanied the co-accused, Sunil. There is no allegation of rape against the petitioner.

Two statements of the prosecutrix under Section 164 Cr.P.C. were

recorded. The petitioner has not been ascribed any role with regard to rape. No incriminating evidence has been found against main accused Naresh and Sunil during investigation and they have been kept in column No.2.

On the other hand, the learned State counsel, on instructions, states that the petitioner is an active participant in the crime.

I have heard learned counsel for the parties.

The petitioner allegedly accompanied the main accused, Sunil and Naresh, who have been found innocent, no role has been ascribed to the petitioner in the statements recorded under Section 164 Cr.P.C. The co-accused, namely, Naresh and Sunil, have been summoned under Section 319 Cr.P.C., therefore, de novo trial shall commence. The petitioner, a young man aged 20 years, is in custody since 10.07.2014.

Keeping in view the role of the petitioner, the fact that the trial is not likely to be concluded in the near future and he is in custody since 10.07.2014, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

04.03.2016
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(JITENDRA CHAUHAN)
JUDGE

ATUL SETHI
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I attest to the accuracy and
authenticity of this document
Chandigarh