

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-4253 of 2016

Date of decision: August 05, 2016

Mushrat and another

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sarfraj Hussain, Advocate
for the petitioners.

Ms. Dimple Jain, AAG Haryana

Mr. Amardeep Hooda, Advocate
for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.361 dated 26.08.2013 under Sections 363, 366 and 376-D, IPC registered at Police Station Punhana, District Mewat.

The daughter of the complainant was missing from the house since 17.08.2013. The complainant received a call from the Sarpanch on 25.07.2013 that the girl was found in their village and was with Hafij. The complainant went and brought his daughter back. The statement of the victim was recorded by the police where she named four persons which includes both the petitioners. Allegations of rape were levelled. Sahabudin could not be arrested and was declared proclaimed offender and Anish - a juvenile is facing trial before the Juvenile Court.

Learned counsel for the petitioners contends that though the petitioners have been named but they have no role and the police had given a clean chit but now they have been summoned under Section 319 Cr.P.C. and they were ready to appear before the Court below. He further states that two witnesses examined by the prosecution did not support the version of the complainant about the manner of

recovery and had turned hostile.

The victim had named both the petitioners in the first statement to the police. The police had failed to challan them. The allegations against petitioner No.1 and Anish were under Section 376 IPC. Petitioner No. 2 is said to have helped in her kidnapping. The police had declared them innocent without giving any reasoning. The Court has now summoned the petitioners. The allegations are serious. No case for anticipatory bail is made out. The petitioners are directed to surrender before the Court.

The petition is dismissed.

August 05, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No