

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

**CRM No.M-11532 of 2017
Decided on: 07.04.2017**

Jain

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Ms. Sharmila Sharma, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.424 dated 08.03.2016 for offence punishable under Section 365 deleted later and Sections 363, 366-A, 354(A)(1), 376, 120-B, 328, 506 read with Section 34 of the Indian Penal Code (in short 'IPC') and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, registered in Police Station Kalanaur, Rohtak District Rohtak.

Counsel for the petitioner has submitted that the petitioner is in custody since 12.04.2016. The alleged victim of the crime recorded her first statement under Section 164 Cr.P.C. stating therein that she wanted to perform marriage with Manoj. On 07.03.2016, she went to Himachal with Manoj according to her free will. Later, she recorded another statement under Section 164 Cr.P.C. after about 23 days of her first statement recorded on 13.03.2016 wherein she has stated that Manjit and *mossa* of Manoj had also been helping her and

they had been teasing her in absence of Manoj. It is further submitted that prosecution has cited 32 witnesses out of which only 05 have been examined and conclusion of the trial is likely to take its own time.

Counsel for the State has opposed the prayer for bail with the submission that the petitioner is the *mossa* of Manoj and he was privy to the crime.

I have heard counsel for the parties and perused the paperbook.

Concededly, challan has been presented in the Court and trial is in progress. Till date, only 05 out of 32 witnesses of the prosecution have been examined. The petitioner is in custody for the past about 01 year. The main accused in the case is Manoj against whom allegation of rape have been raised. Conclusion of the trial is likely to take its own time, without commenting upon merits of the case, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

07.04.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No