

216 In the High Court of Punjab and Haryana at Chandigarh

CRM -M-12302 of 2017

Date of Decision: 23.5.2017

Iklakh

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Namit Khurana, Advocate
for the petitioner**

Ms. Dimple Jain, AAG, Haryana

Rekha Mittal, J.

Petitioner prays for grant of regular bail in FIR No. 269 dated 28.5.2016 under Section 365 of the Indian Penal Code (in short "IPC") and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station, Gharaunda, District Karnal.

Counsel for the petitioner has submitted that the instant FIR was registered at the behest of Yamin, father of Salma one of the alleged kidnapped girls. Salma was recovered on 30.5.2016 and her statement under Section 164 of the Code of Criminal Procedure (in short "Cr.P.C.") was recorded on 31.5.2016 and she has not pointed an accusing finger towards the petitioner. Statement of Kajal, the other kidnapped girl under Section 164 Cr.P.C. was recorded for the first time on 4.6.2016 but she has not named the petitioner to be perpetrator of the crime. Later, Kajal recorded another statement under Section 164 Cr.P.C. on 30.6.2016 wherein she has indicted the petitioner for having committed rape with Salma but Salma has not made any such statement against the petitioner. It is further

submitted that the petitioner is in custody since 27.7.2016 and he is ready to face proceedings, in accordance with law.

Counsel for the State of Haryana has opposed the prayer for bail with the submissions that in view of gravity of allegations, the petitioner does not deserve to be enlarged on bail particularly in the circumstances that the victims are yet to be examined in the case.

Concededly, on completion of investigation, challan has been presented in the Court. Salma with whom the petitioner committed rape as per the second statement of Kajal recorded on 30.6.2016 has not deposed against the petitioner in this regard. Conclusion of the trial is likely to take its own time.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the trial court. However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

23.5.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No