

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

**CRM No.M-15866 of 2017
Decided on: 11.05.2017**

Arjun

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Karan Singh, Advocate for the petitioner.

Mr. Vikas Malik, DAG, 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.3 dated 07.01.2017, for offence punishable under Sections 328, 376-D, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 6 of the Protection of Children from Sexual Offences Act, 2012 registered in Police Station Women, Jhajjar, District Jhajjar.

Counsel for the petitioner has submitted that the petitioner has been indicted in the crime with the aid of Section 120-B IPC. The allegations with regard to committing offence of rape under Section 376-D IPC have been levelled against Sunil, non-applicant and that constituting offence under Section 328 IPC against Rahul, non-applicant. The only allegation against the petitioner in the statement of the prosecutrix recorded under Section 164 Cr.P.C. is that Arjun gave me phone and in case she would not have taken the phone, he would threaten her. It is further argued that no phone was recovered during investigation. The petitioner has already been remanded to judicial

custody, challan has been presented in the Court and conclusion of trial is likely to take its own time.

Counsel for the State has not disputed the factual assertions but opposed the prayer for bail.

I have heard counsel for the parties, perused the paperbook and the police records.

The submissions made by counsel for the petitioner gets substantiated from a photocopy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. by the Judicial Magistrate Ist Class, Jhajjar taken on record. The petitioner is ready to face the trial, in accordance with law. There is no allegation against the petitioner that he is likely to flee from process of justice in case released on bail.

Without meaning to express any opinion on merits of the case, bail to the petitioner subject to satisfaction of the trial Court. However, he shall remain bound 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 his/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.*

11.05.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No