

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

CRM-M-19595 of 2017 (O&M)

Date of decision: 18.08.2017

Wasim Malik

...Petitioner

Versus

UT Chandigarh

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Mohit Garg, Advocate
for the petitioner(s).

Mr. Parveen Chauhan, Advocate for
Mr. G.S. Wasu, Addl. PP for UT Chandigarh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.298 dated 13.12.2016, registered under Section 376-D of IPC, at Police Station Industrial Area, District Chandigarh.

It is contended that involvement of the petitioner is not made from the FSL report. The prosecutrix failed to identify the petitioner in the Court. The petitioner is in custody since 17.12.2016. The conclusion of trial will take a long time.

On the other hand, the learned State counsel opposes the bail application and states that victim who is minor hired the auto run by co-accused; the petitioner along with co-accused kidnapped and

raped the prosecutrix. Co-accused has not been arrested so far and the auto is yet to be recovered.

I have heard learned counsel for the parties and perused the record.

Considering the fact that co-accused is yet to be arrested; the prosecutrix who is a minor girl has been raped by the petitioner. Keeping in view the gravity of offence, no case for regular bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.08.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No