

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

Criminal Misc. No.M- 24098 of 2017(O&M)

Date of Decision: July 18 , 2017.

Dalsher PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Gehlawat, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.177 dated 30.09.2013 under Section 376D IPC (the offences punishable under Sections 365/216 IPC and Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 were added later), registered at Police Station Pillukhera, District Jind.

It is submitted that the petitioner has been falsely implicated in this case. He was in fact illegally detained at the time of the registration of FIR on 30.09.2013. It is submitted that when no case was made out against the petitioner, he was released from illegal custody after a few days. Reference is made to the supplementary statements of the father and uncle of the victim in this respect. The petitioner, it is submitted, has been falsely involved in this FIR due

to earlier enmity between the petitioner and the family of the victim. FIR No.35 dated 10.05.2005 under Sections 323/ 325/342/148/506/149 IPC was registered against some of the family members of the victim. It is mentioned in para 5(a) of the petition that due to pressure of the Panchayat of 12 villages, the matter was compromised and it is on account of the compromise that the family members of the victim were acquitted. However, the parents and family members of the victim felt insulted and were still nursing a grudge against the petitioner and his family members. Furthermore, the petitioner's mother contested elections for Sarpanch of the village against grandmother of the victim. The statement of the victim, it is submitted, has been recorded before the learned trial court. No useful purpose shall be served by keeping the petitioner incarcerated any longer. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Jaibir Singh, while opposing this petition submits that the petitioner was declared to be a proclaimed offender on 21.08.2014. The averments regarding his illegal detention are vehemently denied being incorrect and unsubstantiated. It is informed that the petitioner was arrested on 13.08.2016. Specific allegations have been levelled against him. The other two accused in this case are still at large.

I have heard learned counsel for the parties and have gone through the file with their able assistance.

The petitioner is involved in the abovesaid FIR wherein serious allegations have been raised against him attracting the rigours of Section 376D IPC and Section 6 of the POCSO Act alongwith other offences. The victim in this case was 15 years old at the time of alleged incident. She has clearly stated

that she was forcibly taken in a car by the petitioner and two other accused. The victim was taken to the fields of the accused Pawan (still at large) and was subjected to rape by all the three accused. The victim has reiterated her version before the learned trial court. It is not in dispute that the petitioner was declared to be a proclaimed offender on 21.08.2014 and was arrested on 13.08.2016. The other two accused are still at large.

At this stage, I do not find any ground whatsoever to allow the concession of bail pending trial to the petitioner.

Consequently, this petition is dismissed.

July 18 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No