

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

CRM-M No. 285 of 2017(O&M)

Date of decision: 28.3.2017

Vikash

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Surinder Gaur, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.83 dated 19.09.2016 registered with Women Police Station Bhiwani, District Bhiwani for offence punishable under Sections 323, 451, 354-A, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

Counsel for the petitioner has submitted that the petitioner was arrested in the case on 08.10.2016 and is in judicial custody. On completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take its own time as after recording statement of the prosecutrix, an application under Section 319 Cr.P.C. has been filed for summoning of additional accused and the same is pending consideration. It is further submitted that the petitioner is a young boy and his custody in the jail is causing loss to his further education. The petitioner is ready to face the proceedings, in accordance with law.

Counsel for the State has opposed prayer for bail with the submission that after disposal of the application under Section 319 Cr.P.C.,

in case the additional persons are summoned as an accused, the prosecutrix would be examined again, therefore, the petitioner may not be released on bail.

As per the allegations raised in the FIR, on 19.09.2016 at 1:30 AM, the prosecutrix along with her mother was sleeping in the courtyard. Four boys entered her house, out of which one was Vikash and the other was Salman. They put knife on her neck, threatened her to accompany them and forcibly took her on the roof and started outraging her modesty. On raising cries, her parents and family members got awake and came there. Challan has been presented in the Court. Conclusion of the proceedings is likely to take its own time. There are no allegations that the petitioner is likely to flee from the process of justice in case enlarged on bail.

Without commenting upon merits of the case, the petitioner shall be released on bail subject to 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 facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

MARCH 28, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no