

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

CRM-M-37084-2017 (O&M)

Date of decision : 14.11.2017

Ran Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Dhanpati.

Mr. Upender Prashar, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.'), for grant of anticipatory bail to the petitioner in FIR No.47 dated 03.08.2017, registered under Sections 328, 342, 365, 376D and 506 of the Indian Penal Code, (for short, 'the IPC') at Women Police Station Kaithal.

Contents that on the asking of the prosecutrix and co-accused, Sukha, the petitioner gave lift to them on his motorcycle. The prosecutrix is a mature and married lady having three children. There is no allegation of rape qua the petitioner in the statement of the prosecutrix recorded under Section 164 Cr.P.C. The alleged incident took place on 25.07.2017, whereas, the FIR came to be registered on 03.08.2017, after an unexplained

delay of 8 days.

On the other hand, learned State counsel, on instructions, informs that the petitioner has been specifically named in the FIR and has been attributed specific role. He is also named in the statement under Section 164 Cr.P.C. suffered by the prosecutrix. The main accused, namely, Sukha, has also named the petitioner as co-perpetrator of the crime. The prosecutrix was abducted by the petitioner and co-accused on 25.02.2017 and was kept in illegal confinement till 27.07.2017. During this period, she was repeatedly raped by the accused.

Learned counsel for the complainant states that the petitioner has been extending threats to the complainant and she has also moved complaints in this regard before the authorities.

Heard.

Keeping in view the fact that the petitioner has been specifically named in the FIR, a specific role has been attributed to him, the offence alleged falls under the category of heinous crimes and in view of the alleged illegal confinement, this Court feels that no case for bail is made out at this stage.

Consequently, the instant petitioner is dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of the Court, in the merits of the case.

14.11.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No