

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

CRM-M No. 44353 of 2016(O&M)

Date of decision: 6.3.2017

Deepak

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.666 dated 06.12.2014 registered with Police Station Sadar Dadri, District Bhiwani for offence punishable under Sections 363, 366-A, 376, 120B, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC'), Section 4/6 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') and Section 67 of the Information Technology Act, 2000.

Counsel for the petitioner has submitted that the petitioner is in custody since lodging of FIR for the past more than 2 years. The co-accused in the case namely Vikas and Vinod Kumar have been released on bail vide order dated 04.04.2016 (Annexure P-2 and P-3, respectively). Jasbir has been summoned as an additional accused in exercise of jurisdiction under Section 319 of the Code of Criminal Procedure, 1973 vide order dated 21.12.2015 (Annexure P-4) and as a result there is a de-novo trial in the case. The last submission made by counsel is that

conclusion of trial is likely to take its own time and the petitioner may be released on bail during its pendency.

Counsel for the State has seriously opposed the prayer for bail with the submission that the petitioner is cousin brother of the victim and allegations qua rape have been levelled only against the petitioner and not against his co-accused. In addition, it is argued that even after summoning of Jasbir as an additional accused, 9 witnesses out of 17 cited by the prosecution have already been examined. It is argued that every effort would be made by the prosecution to ensure presence of the witnesses before the trial Court on the dates to be fixed.

I have heard counsel for the parties and perused the records.

The allegations with regard to committing offence of rape under Section 376 IPC and Section 4 of the POCSO Act have been levelled only against the petitioner who happens to be cousin brother of the victim. The prosecutrix has been examined twice in the case and it is not disputed that on both the occasions she has supported the prosecution version. Keeping in view the gravity of offence, the petitioner is not entitled to be released on bail merely because conclusion of trial is likely to take some time.

Accordingly, the petition for grant of regular bail is dismissed. However, the trial Court shall put its best efforts to conclude evidence of the prosecution expeditiously.

MARCH 6, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no