

In the High Court of Punjab and Haryana at Chandigarh**CRM -M-44542 of 2016****Date of Decision: 18.1.2017****Rakesh @ Ilu and another****---Petitioners****versus****State of Haryana****---Respondent****Coram: Hon'ble Mrs. Justice Rekha Mittal****Present: Mr. Aman Pal, Advocate
for the petitioners****Ms. Dimple Jain, AAG, Haryana***********Rekha Mittal, J.**

The petitioners pray for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short Cr.P.C.”) for offence punishable under Section 365 of the Indian Penal Code (in short “IPC”) and Section 8 of the Prevention of Children from Sexual Offences Act, 2012 registered at Women Police Station, Rohtak, District Rohtak.

Counsel for the petitioners has submitted that the present FIR has been registered as a counter blast to some dispute between the mother of the alleged victim and father of the accused that led to proceedings under Section 107, 151 Cr.P.C. registered at Police Station City, Rohtak in April 2016. It is further submitted that on an earlier occasion, a similar FIR was registered by mother of the alleged victim against Roshan son of Prem resident of Kabir Colony, Jind Road, Rohtak and the said case culminated

in judgment of acquittal passed by the Additional Sessions Judge, Rohtak on 26.9.2016 (Annexure P-1). In addition, it is argued that alleged victim has already been examined in the case, therefore, there is no possibility of the petitioners tampering with the prosecution evidence in case released on bail. The last submission made by counsel is that the petitioners are in custody since 19.8.2016 and they are ready to face the proceedings without any default when otherwise conclusion of trial is likely to take its own time.

Counsel for the State, on instruction from ASI Bimla Devi, has not disputed the factual assertions but opposed the bail application.

Without commenting on merits of the case, petitioners are ordered to be released on bail subject to satisfaction of the trial court. However, they shall abide by the following conditions:-

- (i) They shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) They shall not leave the limits of this country without prior permission of the Court.

(Rekha Mittal)
Judge

18.1.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No