

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

CRM-M No. 46479 of 2016(O&M)

Date of decision: 5.5.2017

Jatinder

....Petitioner

VERSUS

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Navjot Singh, Advocate for the petitioner.

Ms. Ashima Mor, APP, U.T. Chandigarh.

Mr. Abhilaksh Grover, Advocate for the complainant.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No. 150 dated 24.08.2016 registered with Police Station Mauli Jagran, U.T. Chandigarh for offence punishable under Sections 366, 376, 506, 120-B of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that the petitioner is brother-in-law of the main accused Om Parkash against whom the prosecutrix has levelled allegations of sexual assault. It is further submitted that from the facts elicited in cross examination of the prosecutrix examined on 30.01.2017 and partly cross-examined on that day, it can be inferred that she was a consenting party to the alleged physical relationship between her and Om Parkash. It is further submitted that the petitioner is in custody since 25.08.2016 and conclusion of trial is likely to take some time.

Counsel representing U.T. Chandigarh assisted by counsel for the complainant would state that the present petitioner assisted the main accused in committing crime, he does not deserve to be released on bail.

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

Concededly, the trial is pending before the Court below. The prosecutrix has already been examined in the case. I have gone through cross examination of the prosecutrix recorded on 30.01.2017 and 01.04.2017. As the prosecutrix, main witness in the case has already been examined, there can be no apprehension of the petitioner's tampering with the evidence, in case released on bail. There is no allegation against the petitioner that he is likely to flee from the process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, the petitioner shall be released on bail subject to 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.

MAY 5, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

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