

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

**CRM No.M-4628 of 2017
Decided on: 28.04.2017**

Navdeep @ Kala

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Ajay Ghangas, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0422 dated 08.10.2016, for offence punishable under Sections 342, 365, 376(D), 506, 120-B of the Indian Penal Code, 1860 (in short 'IPC'), 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 4 of the Protection of Children from Sexual Offences Act, 2012 registered in Police Station Sadar, Hansi.

Counsel for the petitioner has submitted that allegations with regard to rape have been levelled against co-accused Sandeep @ Mathi son of Satyawar. As per story of the prosecution, the petitioner is stated to be present outside the place where she was subject to rape by Sandeep. The prosecutrix has been examined in the case and she has not supported case of the prosecution.

Counsel for the State has not disputed factual assertions but opposed the prayer for bail.

I have heard counsel for the parties, perused the paperbook

and the police records.

The petitioner is in judicial custody and his presence is required for the purpose of facing trial. The prosecutrix has already been examined but did not support case of the prosecution. Conclusion of the trial may take some time, without meaning to express any opinion on merits of the case, bail to the petitioner subject to satisfaction of the trial Court. However, he shall remain bound by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

28.04.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No