

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

CRM-M-11346-2018

Date of decision:-26.9.2018

Trilok Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.K.D.S. Hooda, Advocate
for the petitioner.

Ms.Aditi Girdhar, AAG, Haryana.

Mr.Zorawar Singh, Advocate for
Mr.N.S. Shekhawat, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Trilok Sharma – an accused in FIR No.46 dated 15.10.2017, under
Sections 328/376/506 IPC, registered with Women Police Station,
Panchkula.

Briefly stated, the facts of the case, as per the prosecution

story are that FIR in question was lodged on the basis of written complaint submitted by the prosecutrix to the police on 15.10.2017 alleging therein that on 13.10.2017, accused Trilok Sharma, her friend took her to his house on the pretext that he was hosting a birthday party, however, on reaching there, the complainant found that no other person was present at that place; that the accused offered her a soft-drink and after consuming it, the complainant lost her consciousness; after some time when she became conscious, then she found that there were no clothes on her body and she felt pain in her private parts, in that way, the accused had committed rape on her.

After recording of formal FIR, investigation in the case was started but the prosecutrix refused to get herself medically examined. Accused was arrested in this case on 15.10.2017. After completion of investigation, challan against the accused was filed in the Court. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Panchkula vide order dated 6.3.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has argued that the complainant had not got herself medically examined; that she is not appearing in the trial Court despite notice being issued to her repeatedly

and even warrants of arrest have been issued against her; that the petitioner is behind the bars for about one year, therefore, concession of regular bail be granted to him.

Whereas, the request is being opposed by learned State counsel and counsel appearing for the complainant vehemently submitting that the trial against the petitioner is going on and a substantial number of witnesses have been recorded; that every effort is being made to procure presence of the complainant and to get her statement recorded and in case regular bail is granted to the petitioner, there are fair chances of his absconding and trying to tamper with the prosecution evidence, as such, the petition be dismissed.

After hearing the rival contentions, I find that the allegations against the petitioner are quite serious of committing rape upon the prosecutrix. The trial against the petitioner is going on, which is likely to be concluded in near future since it comes out that trial Court is making sincere efforts to procure the presence of witnesses including the complainant. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

26.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No