

**103+215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-15687-2018 (O&M)  
Date of Decision: 29.05.2018**

Akbar @ Ginni

....Petitioner

Versus

State of Haryana

....Respondents

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Saleem Ahmed, Advocate  
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana  
assisted by ASI Saroj.

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**ANITA CHAUDHRY, J**

**CRM-20239-2018**

Application is allowed as prayed for and Annexure P-3 (Colly)  
is taken on record.

**CRM-M-15687-2018**

Petitioner is seeking regular bail in case FIR No.4 dated  
14.01.2017 registered under Sections 120-B, 363, 376 and 506 of IPC read  
with Section 6 of POCSO Act, at Women Police Station Nuh, District Nuh.

Learned counsel for the petitioner contends that the petitioner  
and his brother Asif have been named in the FIR and the incident is of  
13.01.2017 and the petitioner is in custody since 17.01.2017 and they have  
placed on record the *zimni* orders which would show that the trial Court is  
adjourning the case for arguments of the application filed under Section 319  
Cr.P.C. since November, 2017 and the trial is not proceeding and the

petitioner was entitled to bail on account of his long custody.

The State counsel opposes the prayer and urges that the statement of the prosecutrix had been partly recorded and she had supported the prosecution version and as the police has challenged only two persons and the third person was left out, therefore, an application under Section 319 Cr.P.C. was filed. The counsel further states that the girl was just 16 years old and she had named the accused in her statement under Section 164 Cr.P.C. and there is medical evidence which supports her statement.

The *zimni* orders made available by the petitioner show that the case is pending adjudication on the application filed under Section 319 Cr.P.C. for the last 7 months and the case is being adjourned without any effective work on those dates. The petitioner is in custody since 17.1.17 the Court should have disposed of the application at the earliest. No doubt, it was the defence counsel who had asked for adjournment on the last two dates but the Court should have dealt with it with a firm hand instead of adjourning the case on mere asking.

The allegations against the petitioner are serious. He is accused of raping a minor girl. The victim has stood by her statement before the trial Court. No ground for bail is made out. The petition is dismissed.

The trial Court is directed to dispose of the application filed under Section 319 Cr.P.C. on the next date of hearing.

Registry to send a copy of this order to the concerned Court.

**May 29, 2018**

*ps-I*

**(ANITA CHAUDHRY)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No