

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

**Crl. Misc. No.M- 18523 of 2018
Date of decision : 08.05.2018**

Tinku @ Santraj

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Sube Singh.

Mr. Ajayvir Singh, Advocate
for the complainant.

ANITA CHAUDHRY, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No. 306 dated 24.12.2017, registered under Section 363, 366, 376(2)(f)/34 IPC, Police Station Uchana, District Jind.

The counsel for the petitioner contends that the petitioner is in custody since 03.01.2018 and bail has already been allowed to co-accused Pappu who was also named by the victim. Counsel also states that the ossification test was carried out and the girl was found within the age group of 20 – 22 years and a wrong fact was mentioned in the FIR that the girl was 16 years of age.

The State counsel states that the girl was missing since 22.12.2017 and was recovered a week later and her statement under Section 164 Cr.P.C. was recorded and she had stated that the petitioner and Jony had raped her.

The counsel further states that Pappu was accused of enticing the victim and there were no allegations of rape against him.

The State counsel had informed that the investigation was over and challan had been presented and charge had been framed.

The petitioner is accused of raping the prosecutrix. He cannot seek parity with Pappu as there were no allegations of rape against him. No case for bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

08.05.2018
Sunil

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