

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

CRM-M No. 18694 of 2018

DATE OF DECISION :- August 28, 2018

Raj Narain

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Partap Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

This petition for regular bail has been filed by petitioner Raj Narain, an accused in F.I.R. No.17 dated 10.1.2018 for offences under Sections 452, 506 and 376 IPC registered with Police Station Kalanaur, District Rohtak.

Briefly stated that facts of the case as per prosecution are that during the intervening night of 9/10.1.2018 while victim (name withheld to conceal identity), resident of village Guddan, District Rohtak was sleeping in her house, whereas her husband was sleeping in a separate room, then at about 9.30 Raj Narain @ Kalu (present petitioner) son of Ram Chander entered the said house and committed rape upon the victim. The victim raised noise hearing which her husband Bijender woke up and called his brothers Baljit and Dilbag besides nephew Yogesh, who arrived at the spot. The accused threatened to kill the victim.

On the basis of statement of the victim, formal F.I.R. was registered. The investigation in the case started. The accused was arrested in this case on 20.2.2018. After completion of investigation and other formalities challan against accused has since been filed and trial is going on. He has moved an application for regular bail before the Court of Sessions which was assigned to Special Judge-cum-Additional Sessions Judge, Rohtak, who vide order dated 20.3.2018 dismissed the said application, as such he has approached this court craving for grant of similar relief, which request is being opposed by the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that petitioner is innocent and has been falsely involved in this case. As a matter of fact, an F.I.R. No. 23 dated 11.1.2018 has since been registered with Police Station Kalanaur, District Rohtak on the basis of statement of accused on the allegation that on 9.1.2018 at about 9 o'clock when Raj Narain and his cousin brother Basant was going to their fields to check out for stray cattles, on the way Baljeet son of Gyani Ram, Yogesh @ Bholu son of Baljeet, Dilbaag @ Bagla son of Gyani Ram were standing and they attacked him causing injuries. Then they took him to the house of Bijender where Bijender was present. He was again given beatings there. On the next date when Raj Narain regained consciousness he found himself admitted in a hospital in Delhi where he was treated and that to put pressure upon Raj Narain the F.I.R. in hand was got registered.

The story set up by the defence is improbable. Learned State

counsel has countered the arguments contending that F.I.R. No. 23 dated 11.1.2018 was recorded subsequent to the F.I.R. lodged in this case. F.I.R. No. 23 was recorded to put up a probable defence; the allegations against the petitioner are very serious and grave. Statement of prosecutrix is yet to be recorded and if released on bail there is reasonable apprehension of the petitioner trying to give threats or inducement to the prosecution witnesses and even of absconding, therefore, the petition be dismissed.

After hearing the rival contentions, I find that there are very serious allegations of petitioner-accused trespassing in house of prosecutrix-victim at night and committing rape upon her. It is quite possible that he was given thrashing by husband and his relatives at the spot resulting in his suffering injuries. The version set up by him in F.I.R. No. 23 dated 11.1.2018 seems to be an after thought which is evident from the fact that the F.I.R. lodged by him is subsequent to the F.I.R. got recorded by the prosecutrix victim. The guilt of the petitioner shall be determined during the trial. Statement of prosecutrix is yet to be recorded. The apprehension expressed by the State counsel that if granted bail there is reasonable apprehension of his trying to temper with the prosecution evidence and even absconding cannot be brushed aside lightly.

I do not find any merit in the petition, therefore, the same stands dismissed accordingly.

(H.S. MADAAN)
JUDGE

August 28, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No