

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

**CRM-M-2310-2018  
Date of decision: 03.04.2018**

**Digamber**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. R. S. Rai, Senior Advocate with  
Mr. Keshav Pratap Singh, Advocate  
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

Mr. Naresh Kumar, Advocate  
for the complainant.

**JAISHREE THAKUR, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 300 dated 26.09.2016, under Sections 365 and 376-D of the IPC, Section 25 of the Arms Act, registered at Police Station Chandhut, District Palwal, wherein challan has been presented under Section 365, 342, 376-D, 452 and 506 of the IPC and Section 3 of the SC/ST Act.

Learned Senior counsel, assisted by Mr. K. P. Singh, appearing on behalf of the petitioner, submits that the prosecutrix in her statement has alleged that she was taken away and kept in custody on 17.03.2016 by three persons who forcibly committed offence of rape upon her. Thereafter, an FIR No. 31 dated 18.03.2016 came to be registered, in which she did not mention the petitioner as perpetrator of

any crime. In the said FIR, she appeared for her medical and also appeared before the JMIC, Palwal on 30.05.2016 wherein she made a statement that she had been residing separately at Palwal and did not want to join the company of her father since she was apprehending that her family will put her to flesh trade. It is argued that on the occasions when the prosecutrix had appeared before the authorities concerned, there were no such allegations against the petitioner herein, hence, the allegations made out in FIR No. 300 dated 26.09.2016 are not sustainable. It is also argued that the petitioner should be given an opportunity to lead his defence which would not be possible for him while in custody. It is submitted that the statements of the prosecutrix and other material witnesses have already been recorded and there is no likelihood for him to influence them.

Learned counsel for the respondent-State and counsel for the complainant oppose the grant of regular bail by submitting that the petitioner herein is a person who has been involved in various criminal activities while also submitting that he had kept the young prosecutrix along with Ajit in illegal custody and committed the offence of rape on her repeatedly.

I have heard learned counsel for the parties and have also perused the paper-book as well as the statement of the prosecutrix.

Since the statements of the prosecutrix and other material witnesses have been recorded and the petitioner is in custody since 16.03.2017, it would be appropriate to grant him regular bail. Hence, the present petition is accepted. The petitioner is ordered to be released on

regular bail on his furnishing bail bonds and surety to the tune of ₹ 2 Lakh to the satisfaction of the trial Court/Duty Magistrate concerned.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

03.04.2018  
*Waseem Ansari*

(JAISHREE THAKUR)  
JUDGE

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*