

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

CRM-M-2473-2018

Date of decision:-30.8.2018

Bijender alias Vijay

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Amit Kumar Goyal, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Bijender alias Vijay– an accused in FIR No.42 dated 28.1.2017, under
Section 376 IPC, registered with Police Station City, Sonapat.

Briefly stated, the facts of the case as per prosecution story
are that FIR in question was got recorded by complainant Laxman son of
Kali Ram, resident of Mukhi Hospital Street, Dhanak Basti, Sonapat, who
in the written complaint submitted by him to Incharge, Police Post, Old

City, Sonapat contended that his daughter (name not being mentioned to conceal her identity and referred to as '*the victim*') aged about 18 years left home on 23.1.2017 at 6:00 p.m. without informing anybody and she could not be located despite a big search operation launched for her. The complainant expressed a suspicion that some person had kept her concealed at some unknown place, with a bad intention. On the basis of such written complaint of complainant Laxman, formal FIR was recorded. During the investigation, the victim was recovered and her statement under Section 164 Cr.P.C. was got recorded. Thereafter, offence under Section 346 IPC was deleted and offence under Section 376 IPC was added. The accused was arrested in this case on 28.3.2017. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge/Special Judge, Sonapat vide order dated 7.9.2017, 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.

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

Even though the petitioner is not named in the FIR, but during the course of investigation, he was found to be involved in the incident, as such, he was arrested. His disclosure statement was recorded, during the course of which, he demarcated the place of occurrence. The trial is going on and out of 14 prosecution witnesses cited by the prosecution, six PWs are stated to have been examined. The guilt of the

accused shall be determined during the trial. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly.

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

30.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No