

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 26444 of 2018 (O&M)

Date of decision : 12.7.2018

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Monu

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. R.A. Sheoran, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for grant of pre-arrest bail has been filed by petitioner Monu, an accused in FIR No. 89 dated 11.4.2018 for offences under Sections 354-A, 376-D, 384, 342, 370-A, 120-B IPC and Section 3/4 of Immoral Traffic Act, registered at Police Station Civil Lines, Bhiwani, District Bhiwani.

Briefly stated, facts of the case as per the prosecution story are that the victim-prosecutrix in this case had been given mobile number of a lady, namely Rekha, by a woman stating that Rekha could arrange a good job for her at Bhiwani. Therefore, the

prosecutrix went to Bhiwani and contacted Rekha on her mobile number, who asked her to come at City Station, Bhiwani. The prosecutrix accordingly went there and came across Rekha, who told her that she would have to please some persons for getting the job. On 10.4.2018 at about 6.30 P.M. Rekha had already called some persons. Rekha asked the prosecutrix to please those persons, to which the prosecutrix resisted, but Rekha @ Meena stated that if she wanted a job, she would have to obey her dictates. Then a person came and made physical relations with the prosecutrix. Rekha @ Meena received money from that person. The prosecutrix was made to have sexual intercourse with two other persons. Rekha @ Meena charged money from them. On the next day, when the prosecutrix told Rekha@ Meena that she had played fraud with her and that she wanted to go back, such Rekha @ Meena gave beatings to her and wrongly confined her. However, the prosecutrix made a telephonic call to the police. The Police Party came and rescued her.

The FIR was registered. The matter was investigated. It came out that accused had sexual intercourse with the prosecutrix twice against her wishes, for which he had paid money to Rekha @ Meena.

The petitioner had filed an application for pre-arrest bail in the Court of Sessions, which was assigned to Additional Sessions Judge (Exclusive Court), Bhiwani. However, the same was dismissed by such Court vide order dated 8.6.2018, as such he has approached this Court craving for the grant of similar relief, which request is being opposed by the State counsel.

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

The pre-arrest bail is to be granted in very exceptional circumstances and not in routine. In this case the allegations against the petitioner are very grave and serious of committing rape upon the prosecutrix on two occasions. His custodial interrogation is necessary to find out as to under what circumstances he had done so, which persons had helped him in committing the crime and to know the other connected facts. If the same is denied to the Investigating Agency, that shall leave many loose ends and gaps, adversely affecting the prosecution story, which is uncalled for. As observed in authority *State represented by the CBI vs. Anil Sharma, 1997 (4) RCR (Criminal) 268*, custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

No ground for grant of pre-arrest bail is made out.

The petition being without any merit stands dismissed.

12.7.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No