

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

CRM-M-28378-2018

Date of decision:-25.9.2018

Ravi @ Ravi Kishan Mourya

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Namit Sharma, Advocate
for the petitioner.

Ms.Aditi Girdhar, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Ravi @ Ravi Kishan Mourya, an accused in FIR No.260 dated
25.10.2017, under Sections 306, 452 IPC and Section 4 of POCSO Act,
registered with Police Station Israna, Panipat.

Briefly stated, the facts of the case, as per the prosecution
story are that when complainant Ram Kumar son of Ram Baran, resident
of Dadoya Maniya, P.S. Cpiya, District Gonda, U.P. along with his son
Gulshan reached home after finishing their work, then they found that
younger daughter of Ram Kumar was playing in the colony, whereas door
of the room was closed; that when complainant Ram Kumar and his son

opened the door, they observed that his daughter (named not being mentioned to conceal her identity and referred to as the prosecutrix) was lying on the floor and Ravi @ Ravi Kishan Mourya (present petitioner), resident of VPO Bhadeva Thangaon, District Sitapur, U.P. was committing rape upon her after gagging her mouth; that on seeing the complainant and his son, accused ran away from the spot; the complainant and his son chased the said culprit; that after some time when they came back then they found the door of the room closed and on peeping through the window, they saw that the prosecutrix had hanged herself with the help of *dupatta* by tying it with the iron hook fixed on the ceiling. The complainant stated that his daughter had committed suicide due to the bad activity of Ravi @ Ravi Kishan Mourya. Formal FIR was registered. The petitioner was arrested on 26.10.2017. He had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge/Special Judge, Panipat vide order dated 1.5.2018, therefore, the petitioner has approached this Court for grant of the similar relief.

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.

Learned counsel for the petitioner has contended that during the trial, the complainant Ram Kumar and his son Gulshan have not supported the prosecution story as regards accused having committed rape upon the prosecutrix, they having seen the same, accused running away

being chased by them but managing to flee and it being the reason for commission of suicide by the prosecutrix. Rather PW1 Ram Kumar in his examination-in-chief has stated that the deceased was having some mental disorder and due to that reason, she used to remain upset. He stated that no one was responsible for death of his daughter and accused does not have any role to play in death of his daughter and that he had not raped his daughter. To similar effect is the testimony of PW3 Gulshan, brother of the deceased. Both of them having turned hostile and not supporting the prosecution story creates a clear dent in it. According to the learned counsel for the petitioner, the trial is going on and its conclusion is likely to take some time, as such, the petitioner/accused be granted concession of regular bail.

On the other hand, the request is being opposed by the State counsel vehemently.

After hearing rival contentions, I find that since the material witnesses for the prosecution including complainant Ram Kumar have not supported the prosecution version and further the conclusion of trial is likely to take some time as the official witnesses are yet to be examined, it shall be in fitness of things, if concession of regular bail is granted to the petitioner/accused.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Panipat, subject to the following conditions:

(i) he shall appear in the Court on each and every date of

hearing;

(ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

25.9.2018

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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No