

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

CRM-M-29475-2018

Date of decision:-18.9.2018

Sudhir

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Ms.Sharmila Sharma, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Sudhir – an accused in FIR No.118 dated 21.3.2018, under Sections 323,
452, 376(2), 304 IPC, registered at Police Station Urban Estate, Rohtak.

Briefly stated, the facts of the case, as per the prosecution
story, are that on 19.2.2018 at about 11:00 p.m., accused came to the
house of prosecutrix and raped her by pointing knife on her neck holding
out a threat that if she told anybody then he would kill her husband,

children and brother; that the prosecutrix did not disclose the incident to anybody under fear of the accused; the accused again came to house of the prosecutrix on 17.3.2018 at about 10:00 p.m. and committed rape on the prosecutrix; on 21.3.2018 at about 8:45 p.m. while the prosecutrix was talking to her husband then accused Sudhir along with his friend came there and started giving beatings to her; the prosecutrix raised an alarm, which attracted several people; that accused Sudhir was apprehended by the people, whereas other person accompanying him managed to run away. The accused was handed over to the police. The matter was reported to the police. Formal FIR was registered on the basis of statement of prosecutrix. The petitioner/accused had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Rohtak vide order dated 21.6.2018, as such, he has approached this Court with the 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.

The allegations against the petitioner are very grave and serious of trespassing in the house of prosecutrix, threatening her and then committing rape upon her repeatedly. The trial against the petitioner is going on and his guilt 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 merits in the petition, the same stands dismissed.

18.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No