

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

CRM-M-29708-2018

Date of decision:- 19.9.2018

Sumit Kumar @ Ravi

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Ivneet Singh Pabla, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Sumit Kumar @ Ravi, an accused in FIR No.22 dated 16.1.2018, under Sections 365, 376, 342, 201, 506 and 120-B IPC, registered at Police Station Ladwa, District Kurukshetra.

Briefly stated, the facts of the case as per the prosecution story, are that on 16.1.2018 daughter of complainant Ram Kumar son of Karan Dass, resident of Shiv Colony, Ladwa, aged about 19 years studying in 10+2 class in Janta School, Ladwa disappeared from home at about 6:30 p.m. On the basis of written complaint submitted by the complainant Ram Kumar, formal FIR was registered. Investigation in the case started, during the course of which the complainant Ram Kumar and

his wife Puja caused appearance of their daughter before the police, whose statement under Section 164 Cr.P.C. was got recorded by Illaqa Magistrate. The prosecutrix in her statement stated that she was kidnapped and forcibly kept in Blue Heaven Palace, Niwarsi by Ravi Kumar, who did wrong acts with her. As such offences under Sections 365, 376, 342, 506, 120-B were added, whereas offence under Section 346 IPC was omitted. Accused Singh Ram was arrested on 18.1.2018. The petitioner/accused Sumit @ Ravi Kumar was also arrested. Both the accused were produced before the concerned Magistrate and they were sent to judicial lock up. After completion of investigation, challan against both these accused has been filed in the Court. They have been charge-sheeted and now the case is pending in the trial Court. The petitioner/accused had moved an application for regular bail in Court of Sessions at Kurukshetra but was unsuccessful as the same was dismissed vide order dated 7.6.2018 passed by learned Additional Sessions Judge (Exclusive Court for Heinous Crimes against Women), Kurukshetra, as such, he has approached this Court for grant of similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

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

Learned counsel for the petitioner has contended that the petitioner has no role to play in kidnapping or rape of the prosecutrix; that his co-accused has been granted bail, therefore, he be also given that concession.

A perusal of the record goes to show that the petitioner is the main accused and there are serious allegations of kidnapping and rape of the prosecutrix by him. The prosecutrix had got her statement recorded under Section 164 Cr.P.C. and has levelled such allegations against the present petitioner. As regards the bail having been granted to the co-accused of the present petitioner, namely, Singh ram, the allegations against him were not that serious not constituting offence of rape and kidnapping. The trial against the accused is going on, which is likely to be concluded in near future. The guilt of the petitioner shall be determined during the trial. Therefore, considering all the facts and circumstances of the case, I am of the view that it is not a fit case to grant concession of regular bail to the petitioner. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly.

Finding no merit in the petition, the same stands dismissed.

19.9.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No