

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

CRM-M-34562-2018

Date of decision:-25.9.2018

Anil

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Ram Pal Verma, Advocate
for the petitioner.

Ms.Aditi Girdhar, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Anil – an accused in FIR No.145 dated 24.4.2017, under Sections 365,
354-B, 376-D IPC and Sections 4 and 8 of POCSO Act, registered with
Police Station Sadar, Sonapat.

Briefly stated, the facts of the case, as per the prosecution
story are that on 23.4.2017, the prosecutrix aged about 16 years daughter
of Subhash, resident of Salimsar Majra, Police Station Sadar, Sonapat was
found missing from home at about 1:30 midnight. The parents of the
prosecutrix went out to search for her. They came across their daughter
near Harijan Chopal and at that time, she was weeping and she told her

parents that she had come to the street for urinating; there Neeraj son of Dilbag and Anil son of Om Parkash, residents of that very village were standing; they caught hold of prosecutrix, gagged her mouth, took her to a house, where Anil molested the prosecutrix, whereas Neeraj had forcible sexual intercourse with her.

Thereafter, they (parents of prosecutrix) went to the old house of Neeraj. The parents of the prosecutrix took away Neeraj and Anil along with them for questioning them. However, when controverted with such situation, those two started misbehaving with parents of the prosecutrix and attempted to run away, in the process Neeraj suffered injury. After hearing noise, family members of Neeraj came and they took him along with them.

On a written complaint submitted by Pinki, the mother of the prosecutrix, formal FIR was registered. Investigation in the case started. Accused were arrested in this case. The petitioner – accused Anil had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge/Special Judge, Sonapat vide order dated 28.5.2018, therefore, the petitioner has approached this Court for grant to 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.

The allegations against the petitioner accused Anil are very serious and grave. He along with his co-accused Neeraj kidnapping a

minor girl in late night hours, then Anil outraging her modesty, molesting her and helping his co-accused Neeraj in committing rape upon her. Such type of acts cannot be taken lightly. After completion of investigation, challan has been filed and out of 18 prosecution witnesses cited, five have been examined. The culpability of the accused shall be determined during the trial. There is reasonable apprehension of the petitioner absconding and trying to tamper with the prosecution evidence, if released on bail. The trial is going on and is likely to be concluded in near future.

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

25.9.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)
JUDGE