

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-44429 of 2018

Date of Decision: 12.10.2018

Suresh Kumar

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Ekta Thakur, Advocate
for the petitioner.

Mr. Sumit Jain, Advocate
for U.T., Chandigarh.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 380 dated 29.10.2017 registered at Police Station Sector-36, Chandigarh under Sections 363, 366, 376, 506, 120-B IPC and Section 4 and 6 of POCSO Act, 2012.

Counsel for the petitioner contends that petitioner is in custody since 30.10.2017 and the prosecutrix was a B.A. student and mature enough and she was with the petitioner for two days and after recovery she has levelled allegations of rape and it was a case of consent. The counsel further submits that that co-accused Shanker has been allowed bail vide Annexure P-2. The counsel further contends that question of tampering would not arise as the prosecutrix has been examined at the trial.

State counsel opposes the prayer and urges that the victim was a minor and she had made allegations of rape in her statement recorded

under Section 164 Cr.P.C. and the petitioner cannot seek parity with Shanker as he was not named in the FIR or in the statement under Section 164 Cr.P.C.

The allegations against the petitioner are of rape on a minor. The petitioner cannot seek parity with Shanker who was not named in the FIR or in the statement under Section 164 Cr.P.C. The allegations are serious. The trial is proceeding at a fast pace. No case for bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

October 12, 2018

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No