

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

Crl. Misc. M 49223 of 2018 (O&M)
Date of decision: November 12, 2018

Shamshid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Rosi, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail to the petitioner in FIR No. 50 dated 26.5.2018 registered under Sections 376 and 506 IPC at Police Station Mewat, District Nuh.

The facts as set up by the prosecution are that the alleged victim had gone to the nearby jungle area along with her father-in-law to collect firewood. The petitioner, who was already in the jungle, requested the father-in-law of the victim to fetch water for him and while the father-in-law was away, the petitioner taking advantage of the victim being alone ravished her at the point of knife threatening to kill her if she raised any noise.

Learned counsel for the petitioner herein contends that the petitioner herein has been falsely implicated in the instant case and as such he deserves the concession of anticipatory bail. It is also contended that the victim has sworn an affidavit wherein she has stated that the petitioner

herein is innocent.

I have heard learned counsel for the petitioner and find no ground to grant anticipatory bail to the petitioner at the present moment. The matter is at the initial stage and is yet to be investigated and therefore, custodial interrogation of the petitioner would be required. The argument as addressed that the victim has given an affidavit dated 26.9.2018 in which the prosecutrix has stated that the petitioner herein is innocent cannot be relied upon. A perusal of the said affidavit shows that the same was executed on 26.9.2018, whereas the order of the Additional Sessions Judge dismissing the anticipatory bail application is dated 12.10.2018. The petitioner was in possession of the said affidavit but did not place the same before the Additional Sessions Judge, Mewat, for the reasons best known to him and, therefore, the same cannot be looked into at this stage of the proceedings.

Dismissed.

November 12, 2018

prem

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No