

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-53373 of 2018

Date of Decision: 07.12.2018

Sunil Gupta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 58 dated 25.2.2016 registered at Police Station Focal Point, District Ludhiana City under Sections 307, 376, 506 IPC (later on added Sections 302, 120-B IPC and Section 4 of POCSO Act 2012).

Counsel for the petitioner contends that petitioner is in custody since 26.2.2016. Counsel further states that the co-accused have been allowed bail and the trial is held up and his custody is over 2½ years and the case is still at the stage of prosecution evidence. Counsel refers to the statement made by the victim on 25.2.2016. Counsel further submits that Vijay's name was taken and the victim's father Pardesi Paswan has not supported the prosecution version at the trial.

State counsel informs that the victim was 12 years old and she was picked up by the petitioner and she was raped and confined for 10 days and thereafter set on fire and she lived to make statement and thereafter had died. State counsel further submits that all the witnesses have been

examined and the case had reached the stage of 313 Cr.P.C. but an application was moved under Section 311 Cr.P.C. and some official witnesses were sought to summon and there was no objection from the side of the accused and one witness has been examined and two other official witnesses remain and the case is fixed for 11.12.2018.

The petitioner is not entitled to parity because the father of the deceased has not supported the prosecution version at the trial. The allegations of rape and that the child had been set on fire were against the petitioner. The allegations are serious. I am not inclined to grant bail.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

December 07, 2018

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No