

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

CRM-M-7493-2018

Date of decision:-19.9.2018

Dharmender

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Sanjeev Kodan, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Dharmender – an accused in FIR No.47 dated 21.3.2017, under Sections 323, 342, 363, 366-A and 120-B IPC and Section 6 of POCSO Act, registered at Police Station Women, District Jhajjar.

Briefly stated, the facts of the case as per prosecution story, are that on 20.3.2017 at about 2:00 p.m., Kamla (real name withheld to conceal her identity) came to the house of complainant/prosecutrix Pushpa

(real name withheld to conceal her identity) studying in 10th class and she asked the complainant/prosecutrix that she should accompany her to the house of Manisha for bringing a note book. The complainant/prosecutrix accordingly went along with Kamla and when they had reached near the outer road of the village, then near pond, Dharmender resident of Bhoda Dhani Khurd, Tehsil Farukh Nagar, District Gurgaon, a cousin brother of Kamla along with two other persons in a vehicle of white colour, were found to be there. The petitioner was sitting inside the car and he caught hold of the hand of prosecutrix and forcibly pulled her in the car. Kamla also sat in the car. The car was taken to the area between village Masoodpur and Dhumawali. Kamla was taken to the forest by three boys, whereas one boy stayed back and the prosecutrix was locked inside the car. After 10-15 minutes, they came back and when Kamla and Pushpa started crying, then those boys in the car dropped them near the pond. Kamla told the prosecutrix that the boy, who was sitting in front row of the car was Ajay, a friend of Dharmender, whereas other boy, who was driving the car was Chintu @ Chandarpal. As a matter of fact, Chittar Pal, Chintu @ Chandarpal and Dharmender had committed rape upon the prosecutrix Kamla. Formal FIR was recorded in the matter. The statements of both the victims were also got recorded under Section 164 Cr.P.C. Accused were arrested in this case. During the course of investigation, it was found that Chittar pal, Chintu @ Chandarpal and Dharmender had committed rape upon Kamla, whereas the driver of Bolero vehicle and Ajay stood near the car in which Pushpa was locked. The petitioner had filed an application for regular bail in the Court of

Sessions, which was declined by learned Additional Sessions Judge, Jhajjar vide order dated 11.1.2018, as such, he has approached this Court with same request.

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 are quite grave and serious. As stated by Kamla in her statement under Section 164 Cr.P.C., the petitioner had committed rape upon her. The petitioner comes out to be sex maniac and if released from custody, he may ruin the lives of several innocent young girls. He is a risk to the society at large and does not deserve any sympathy. The trial against him is going on, which is likely to be concluded in near future. Therefore, no ground is made out to grant regular bail to the petitioner. Along with the gravity and seriousness of allegations against the petitioner, there is apprehension of his trying to tamper with the prosecution evidence and even to abscond, if granted bail.

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

19.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No