

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

CRM M-4776 of 2019

Date of Decision: February 06, 2019

Krishan		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 249 dated 12.09.2018 under Section 346 IPC and later on added Section 376(2)(n) of IPC, Police Station Bawani Khera, District Bhiwani.

The present case was got registered on the statement of Lichho Devi mother of victim alleging that on 11.09.2018, the victim disappeared from the house and, subsequently, it transpired that the accused who happens to be the sister-in-law's husband had enticed her and the victim in her statement under Section 164 Cr.P.C. has levelled accusation of the commission of rape by the accused and her medico-legal examination corroborates her stand.

Mr. V.P. Sangwan, learned counsel for the petitioner has argued that the victim has not supported the prosecution story at the trial and that the alleged traces of seminal fluids etc. are on the clothes of the victim and none of the exhibits taken from her private parts corroborates this fact and that the petitioner is behind the bars since a

long time.

Mr. Amrik Narwal, DAG, Haryana assisted by ASI Shamsher Singh has opposed the grant of bail on the grounds that the medico-legal examination of the victim and her stand taken under Section 164 Cr.P.C. are clearly illustrative and support the stand of the prosecution and that the trial is underway.

Appreciating the submissions the girl in her stand taken under Section 164 Cr.P.C. has indicted the accused for the commission of offence, the medical evidence lends credence to this stand of the prosecution and merely in view of the fact is behind the bars since a long time does not entitle him for grant of bail besides the fact that it has been observed that while in custody the petitioner has managed to influence the prosecution witnesses and if allowed bail would certainly circumvent the trial. In view of the seriousness of the allegations and heinousness of the offence of the close relationship of the accused petitioner with the victim are matters which impinge the judicial conscience of this Court.

Thus, the petition being without any merit stands dismissed.

February 06, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No