

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-8904 OF 2019 (O&M)
Date of decision : May 20, 2019

Tarun @ Chhola

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Namit Sharma, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against accused petitioner in this first regular bail application in case FIR No. 76 dated 25.9.2018, under Section 376-D, Police Station GRP, Panipat have been levelled by a married woman aged around 35 years. In her statement, the complainant alleged that on 27.8.2018 around 7.00 PM she has gone to the market to fetch vegetables and medicines and while she was nearing Railway Line, Naresh Yadav and Balist Yadav along with three other persons accosted her and forcibly gang raped her leading

to the registration of the present case. During investigations, name of the petitioner too cropped up.

Mr. Namit Sharma, learned counsel for the petitioner contends that the petitioner is not named in the FIR and there is inordinate delay in the registration of the case and that the medical evidence does not supports the case of gang rape and even semen is not detected on all the exhibits so sent for analysis submitting that the petitioner is in custody since a long time and that the complainant has not supported the prosecution version at the trial.

Learned State counsel has vehemently opposed the bail on the grounds that the complainant in her statement to the police as well as under Section 164 Cr.P.C. has detailed the manner in which the accused after grabbing the victim and her minor child had been threatening to throw the child under the train forcing the lady to keep mum had defiled her one by one and which is duly supported by her throughout and therefore, if allowed bail, the petitioner would stifle the trial.

Appreciating the submissions, the complainant has identified some of the accused whereas others have termed to be unidentified persons in her statement under section 164 Cr.P.C. as well as the police complaint. There is specific allegations of gang

rape by the accused. The manner of this occurrence how under coercion and force with the threat to the life of the minor child and the victim, the accused has savagely violated her are matters of serious concern. In the light of the heinousness of crime and seriousness of allegations and the fact that while in custody, the petitioner has managed to influence the victim rather lends credence to the stand of the prosecution that if allowed bail, the petitioner would stifle the trial. Finding no merit, the present petition stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 20, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No