

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

**CRM-M-12055-2019 (O&M)
Date of Decision : 10.06.2019**

Chahat Garg

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner.

Ms. Anu Chatrath, Addl. A.G., Punjab with
Mr. Amit Mehta, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.68 dated 15.07.2018, registered under Sections 376-D, 120-B IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station City 2, Mansa.

It is allegation that the prosecutrix is minor, aged about 15 years, and she is simpleton. She disclosed to her mother that one month ago, Ajay Kumar alongwith Chahat Garg and Hemant Garg committed rape upon her. About one week thereafter, Gurdeep Singh and Jasvir Singh took her to the stadium of Nehru College, Mansa and they also committed rape upon her. Then on the next day, Manpreet Singh alias Bhundi and Amandeep Singh took her to said college and committed rape upon her under the staircase of the stadium.

The case of the prosecutrix is supported by medical evidence.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for the petitioner has submitted that the prosecutrix as well as her mother turned hostile in the previous trial against the five persons namely Ajay Kumar alias Sandeep Singh, Hemant Garg, Gurdeep Singh, Jasvir Singh and Amandeep Kaur and those have been acquitted vide judgment dated 02.01.2019 (Annexure P-5), passed by the Special Judge, Mansa.

This court has considered the said contention.

The petitioner was not a party to the trial against five persons, which is converted into acquittal vide said judgment dated 02.01.2019 (Annexure P-5). The ratio of that judgment cannot be applied herein. Even, this court has gone through the statement of the prosecutrix which transpires that none of the accused, who were facing trial, committed rape upon her. At that time the petitioner was not before that court. Therefore, he cannot be released on anticipatory bail solely on the ground that in the previous trial, the prosecution and her mother turned hostile and co-accused have been acquitted.

As such, finding no ground to grant the concession of anticipatory bail to the petitioner, the instant petition stands dismissed.

10.06.2019

mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No