

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

**Criminal Misc. No. M-14297 of 2019(O&M)**  
**Date of decision : April 08, 2019**

**Tarif**

....Petitioner

versus

**State of Haryana**

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

**Present :** Mr. Farooq Abdullah, Advocate, for the petitioner  
Mr. Amrik Narwal, DAG Haryana for the State  
Mr. Mazlish Khan, Advocate, for the complainant

**Fateh Deep Singh, J. (Oral)**

Petitioner-accused Tarif who is in custody in this case got registered by way of FIR No. 330 dated 2.11.2018 under Sections 25,54,59 of the Arms Act and Sections 365,376-D, 379-B, 506 IPC, Police Station Punhana, District Nuh has prayed for grant of regular bail.

The present case was got registered on the statement of the complainant-victim alleging that on 2.11.2018 early morning around 1.00 AM when she had gone out of her room to urinate, accused non-applicant Tarim and Nasim who were armed threatened her and asked her not to make any noise and at the gun point robbed the jewellery and cash in the house. It

is alleged that the accused thereafter lifted and took her in truck parked outside and after driving for few kilometers stopped the vehicle where accused-petitioner Tarif defiled her against her wishes while his co-accused non-applicant Nasim wielding a country made pistol stood guard. Subsequently, the accused threw out the prosecutrix from the truck in a semi-naked condition leading to the registration of the present case.

Mr. Farooq Abdhulla, counsel for the petitioner has sought to argue that the petitioner is behind the bars since a long time and that the prosecutrix is a major who had levelled false allegations and the medical evidence does not corroborate the same. Counsel has forcefully submitted that co-accused Nasim has been allowed regular bail and that the case of the petitioner is not distinguishable from that of his co-accused.

Learned State counsel assisted by SI Satbir Singh and Mr. Mazlish Khan, counsel for the complainant have opposed the grant of bail on the grounds of heinousness of the offence alleging that the accused have not only robbed the complainant but has abducted her and thereafter committed rape and in view of heinousness of the offence dis-entitles the petitioner to any relief.

Appreciating the submissions, the prima facie allegations levelled by the prosecutrix and the fact that the petitioner who is principal accused has been instrumental in not only robbing cash and gold articles but has also ensured that the honour of a young girl is marred. In view of seriousness of the allegations and the heinousness of the offence, no case

for grant of bail is made out and the present petition, thus, stands dismissed.

April 08, 2019

( Fateh Deep Singh )  
Judge

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Whether speaking/reasoned ?  
Whether Reportable ?

Yes/No  
Yes/No