

227.

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

CRM-M-17590-2019

Date of decision:21.05.2019

NITESH GAUTAM

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.386 dated 09.09.2018 registered under Sections 363, 365, 366-A, 506, 376-D of IPC and Sections, 4, 6 & 17 of Protection of Children from Sexual Offences Act, 2012 at Police Station Kurukshetra.

Counsel for the petitioner, while referring to the FIR, states that in the FIR, there is no allegation of rape against the petitioner. The allegation, if any, is against the co-accused Bunty @ Krishan. He further states that in the statement of the prosecutrix under Section 164 Cr.P.C., there is no specific allegation against the petitioner regarding rape having been committed upon the prosecutrix. Petitioner is in custody since 08.12.2018 and is 17 years of age.

Learned State counsel, on instructions from ASI Rishpal Singh, state that no prosecution witness has been examined in the case and the case is now fixed for PWs on 27.05.2019.

Heard.

Considering the fact that neither in the FIR nor in the statement under Section 164 Cr.P.C., the prosecutrix has named the petitioner specifically so far as the commission of offence of rape is concerned, this Court deem it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

21.05.2019

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No