

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-20093 of 2019

Date of Decision: 03.05.2019

Sabina

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. K.K. Saini, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner – Sabina has filed the present petition under Section 439(2) Cr.P.C. for cancellation of bail granted by Additional Sessions Judge, Jhajjar, admitting respondents no.3 to 5 on regular bail vide orders dated 02.01.2019, 18.02.2019 and 14.03.2019 respectively, in FIR No.484 dated 20.11.2018 under Section 376(D)/34 IPC registered at Police Station Sahlawas, District Jhajjar.

Learned counsel for the petitioner has argued that the petitioner, who is 18 years of age, was kidnapped by the aforesaid respondents-accused and committed rape upon her, which attracted the ingredients of offence under Section 376-D IPC. There are specific allegations of rape against accused-respondent no.5 Sumesh, who took the

petitioner with him and kept her confined in a house for long time by giving false assurance to marry her. The petitioner was also threatened by the respondents-accused.

I have heard learned counsel for the petitioner.

The petitioner-complainant, in her statement under Section 164 CrPC, has stated that she had left the house of her own and she was having love affair with Sumesh. On the basis of the statement of the prosecutrix, even the cancellation report was filed. However, it is after lapse of 48 days, the present FIR has been lodged by the victim leveling the allegations of rape against the respondents-accused. Learned Additional Sessions Judge has admitted respondents no.3 to 5 on regular bail after passing three different orders, whereby the contentions on behalf of the respondents-accused have been dealt with in detail.

Therefore, no ground for cancellation of bail is made out.

Accordingly, the present petition is dismissed.

May 03, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No