

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

Crl. Misc. M-20028 of 2019 (O&M)
Date of Decision: May 29, 2019

Rohtash @ Tasha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ankur Lal, Advocate
for the petitioner.

Mr. D.K. Mittal, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

1. The instant second petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.208 dated 10.07.2018, registered under Section 346 of Indian Penal Code (subsequently Sections 342, 365, 376-D, 506, 34 of IPC were added) at Police Station Narnaund, Hisar.

2. Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in the present case, while submitting that daughter of the complainant (prosecutrix) was having love affair with co-accused Sonu and the prosecutrix remained away from her house for about three months. It is submitted that the landlord of the house where the co-accused Sonu and the prosecutrix used to live, as well as the neighbour,

have furnished affidavits to the effect that the prosecutrix and co-accused Sonu used to reside happily there. It is also submitted that co-accused Sonu has already been granted regular bail by the trial court.

3. Per contra, learned State counsel submits that there are specific allegations levelled by the prosecutrix against the present petitioner herein that he along with the co accused Sonu forcibly committed rape upon her. It is contended that the first petition for grant of anticipatory bail by the petitioner has been dismissed by a detailed order dated 19.12.2018 and there is no change in the circumstances, as such, no ground is made out to grant anticipatory bail to the petitioner.

4. At this stage, Mr. Amit Khatkar, Advocate puts in an appearance on behalf of the complainant and files the power of attorney, which is taken on record. He opposes the grant of anticipatory bail to the petitioner, while submitting that since the registration of the FIR on 10.07.2018, the petitioner herein has been absconding. His first petition for grant of anticipatory bail has already been dismissed, as such, the instant petition is also liable to be dismissed, since there is no change in the circumstances.

5. I have heard learned counsel for the parties and have gone through the case file.

6. It is pertinent to mention that earlier the petitioner herein approached this court for grant of anticipatory bail by way of filing CRM-M-53951 of 2018, which was dismissed by this court by a detailed order dated 19.12.2018. Learned counsel for the petitioner submits that there are affidavits of the landlord as well as of the neighbour available on the record,

stating that the co-accused and the prosecutrix were having cordial relations. It is also contended that co-accused Sonu has already been granted regular bail by the trial court.

7. After going through the case file, this court is not inclined to grant anticipatory bail to the petitioner herein, since there is no change in the circumstances. Affidavits submitted by the landlord and the neighbour cannot be looked into at this stage, since this is a subject matter of the trial. Grant of regular bail to the co-accused Sonu is not a ground to grant anticipatory bail to the petitioner herein, who has been absconding since the registration of the FIR, whose custodial interrogation would be required by the investigating agency.

8. In view of the fact that the FIR in question has been registered under Section 376-D of the Indian Penal Code, besides the other sections, this court finds no ground to allow the instant second petition for grant of anticipatory bail to the petitioner.

9. Dismissed.

May 29, 2019

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No