

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

CRM-M-21561 of 2019.

Decided on:- May 13, 2019.

Sabina.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

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

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for cancellation of anticipatory bail granted to respondent No.3 vide order dated 14.02.2019 passed by learned Additional Sessions Judge (Exclusive Court), Jhajjar in FIR No.484 dated 20.11.2018 under Section 376(D) read with Section 34 IPC registered at Police Station Sahlawas, District Jhajjar.

Perusal of the impugned order dated 14.02.2019 passed by learned Additional Sessions Judge, Jhajjar shows that regarding the same incident dated 01.10.2018, earlier also an F.I.R. No.426 dated 02.10.2018 under Section 346 I.P.C. was registered. During investigation in said FIR, the statement of victim under Section 164 Cr.P.C. was recorded, wherein she had stated that she left the house on her own as she was having love affair with Sumesh. However, no truth was found in the allegations and cancellation report was filed on 02.11.2018 by S.H.O. Police Station Salhawas. However,

after a period of 48 days, the FIR in question was lodged by the victim regarding the same incident of 01.10.2018 alleging that she had been raped by four persons, namely, Satbir son of Jabir (respondent No.3 herein), Sandeep son of Ramrup, Manish son of Mahender and Savera son of Sarup. However, no such allegations were levelled by her in her earlier recorded statement under Section 164 Cr.P.C. Accused Satbir (respondent No.3 herein) has been arrested under Section 120-B I.P.C. and the offence under Section 376-D IPC has been deleted during investigation against respondent No.3.

Therefore, this Court finds that no ground is made out to cancel the anticipatory bail granted to respondent No.3 vide order dated 14.02.2019 passed by learned Additional Sessions Judge (Exclusive Court), Jhajjar.

The present petition is, accordingly, dismissed.

May 13, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No