

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21402 of 2019
Date of Decision: 2.7.2019

Sanjay

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 438 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of pre-arrest bail to the petitioner in case FIR No.867 dated 11.11.2018 registered for the offences punishable under Sections 346 of Indian Penal Code (for short, "IPC") (376 IPC added later on) at Police Station Sector 7, Faridabad.

Heard.

Learned State counsel has placed on record a copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. by Judicial Magistrate, Faridabad on 14.11.2018.

On 12.11.2018, the prosecutrix had left her house. Her husband lodged the report to the police with regard to her missing. However, on 14.11.2018, she herself returned and suffered a statement to the effect that she has been subjected to rape by the petitioner on 12.10.2018. However,

her statement under Section 164 Cr.P.C. has also been recorded on 14.11.2018 wherein she has categorically stated that the accused committed rape upon her without her consent.

Learned State counsel states that the petitioner is required for custodial interrogation. This Court is also of the view that the custodial interrogation is necessary.

In view of the above, the petitioner is not entitled to the concession of pre-arrest bail.

Dismissed.

July 2, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No