

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-36025 of 2019 (O&M)
Date of decision : December 09, 2019

Tarun @ Chhola

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Namit Sharma, Advocate, for the petitioner

Ms. Mahima Yashpal, AAG, Haryana

Fateh Deep Singh, J. (Oral)

In this second regular bail application under Section 439 Cr.P.C., the accused-petitioner Tarun @ Chhola has sought his regular bail in case FIR No. 76 dated 25.9.2018 under Section 376-D, Police Station GRP, Panipat.

The present case was got registered by a married lady with kids. It is alleged that on 27.8.2018 in the evening while she had gone to the market to purchase certain essential items near the Railway Line, accused non-applicant Naresh Yadav along with three

persons accosted her out of which the present petitioner was subsequently identified. All the accused are alleged to have waylaid the prosecutrix and gang raped her leading to the registration of the present case.

Learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars for more than one year and was never named in the FIR. It is alleged that no specific role is attributed to the petitioner for commission of the offence and even the prosecutrix has not supported the prosecution version.

The State counsel has opposed grant of bail on the grounds that the petitioner has influenced the prosecutrix and if the petitioner is allowed bail, he will stifle the entire trial and in view of heinousness of the offence calls for declining the bail.

Immediate after the occurrence upon registration of the FIR, statement of the prosecutrix under Section 164 Cr.P.C. has been recorded and she has claimed the petitioner to be one of the assailants who ravaged her. The very conduct of the accused is illustrative from the fact that during the evidence they tried to influence the witnesses when there is overwhelming evidence in the form of statement of prosecutrix under Section 164 Cr.P.C. Keeping in view the very barbaric nature of the offence and the fact that the

previous bail application was declined by this Court, no case for allowing the present petition is made out. There being no merit, the present petition stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 09, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No