

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

1. CRM-M No.33508 of 2019

Naveen

... Petitioner

Versus

State of Haryana & another

... Respondents

2. CRM-M No.50023 of 2019

Naresh

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 9th December, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vivek Khatri, Advocate and
Mr. Chetan Kapoor, Advocate for Mr. Sumit Gupta,
Advocate for the petitioners.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

The above detailed two anticipatory bail applications under Section 438 Cr.P.C., one by accused petitioner Naveen and the other by petitioner Naresh, having arisen in the same very FIR bearing No.66 dated 25.06.2019 under Sections 323, 365, 376D, 457, 506, 34 IPC pertaining to Police Station Women Jhajjar, are being taken up for disposal together for the sake of brevity.

The present case was got registered by the prosecutrix, a woman aged around 43 years. In her allegations, the complainant claims that on 24.06.2019 she had come out of her home when accused non-applicant Vinod alias Bunty came in a car along with others and dragged the complainant into the car and took her to Bhiwani Octroi post where at a desolate place the accused in all numbering six ravaged her leading to registration of the present case.

Learned counsel for the petitioners have inter alia contended that the petitioners have not been attributed any role in commission of the offence and that there is no evidence to connect the petitioners with commission of the crime. It is further contended that the complainant had not supported the prosecution at the trial and that nothing is to be recovered from the petitioners.

Learned State counsel Mr. Baljinder S. Virk, Dy. Advocate General, Haryana on instructions from ASI Jagbir, though concedes to the facts but has opposed the bail on the grounds that CCTV footage and the report of FSL clearly are damaging to the case of the petitioners and their custodial interrogation is very much essential.

Appreciating the submissions of the two sides, it is the allegation of the prosecution that the accused in all numbering six had forcibly bundled the prosecutrix lady in a car and thereafter raped her. The claim of the prosecution as to the CCTV footage and report of the Chemical Examiner are illustrative and corroborative of these allegations.

More so, as per the stand of the State, the petitioners are evading from the law and proclamation has already been issued which is illustrative that the accused who are roaming freely might have influenced the trial. Moreover, in view of the heinousness of the offence, custodial interrogation of the petitioners is very much necessary. This Court in the light of such serious allegations, is not inclined to allow bail to the petitioners.

Both the present petitions stand dismissed in those terms.

(FATEH DEEP SINGH)
JUDGE

December 9, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No