

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

**CRM M-40273 of 2019
Date of Decision: September 25, 2019**

Sanju

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

In this regular bail application moved under Section 439 Cr.P.C. by accused Sanju in FIR No. 21 dated 22.02.2019 under Sections 376, 342, 363, 506 and 201 of IPC registered at Police Station Women Palwal, District Palwal, Haryana, the allegations have come about by a married lady aged around 24 years. In her allegations, she alleges that on 02.12.2002, she had gone to the house of her brother at Gaziabad and in the area of Kithwari turn, when she got down from a three wheeler

and was walking towards bus stand, accused/petitioner Sanju met her and offered her to drop on his motorbike and acting on the same, she sat on the motor-cycle and the accused took her to a room, where the accused/petitioner alongwith her accomplices numbering 4/5 boys defiled her against her wishes and prepared her obscene film and clicked pictures and threatened her with dire consequences and it is on her statement, the present case was registered. The petitioner was arrested on 26.02.2019.

Learned counsel for the petitioner *inter alia* contends that though 05 accused were named out of them all but except the petitioner has been held to be innocent and that it was a consensual relationship and that there is no injury on the person of the prosecutrix.

Mr. Baljinder Virk, DAG, Haryana on instructions from ASI Muni has stoutly opposed the bail on the ground that the prosecutrix has been gang raped and in view of the heinousness of the offence has prayed for declining the prayer of the petitioner.

Going through the submissions as is there in the statement of the prosecutrix that it was the petitioner who enticed the lady in this trap and alongwith his co-accused gang raped her.

In view of the seriousness of the allegations, none of the submissions made by the petitioner counsel could be considered at this juncture, which is subject matter of trial.

No ground is made out for grant of regular bail.

Petition is dismissed, accordingly.

September 25, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No