

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

CRM-M-61914-2018 (O&M)

Date of decision: 7.1.2019

Nachhatar Singh

... Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Deepak Sonak, Advocate.
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.578 dated 20.10.2018 registered for the offences punishable under Sections 365 of Indian Penal Code (363, 366-A, 34 IPC and 6 of Protection of Children from Sexual Offences Act added later on), at Police Station Ratia, District Fatehabad.

Heard.

Notice could not be issued to respondent No.2 for want of process fee. However, this Court is of the view that her presence in the Court is not necessary.

Counsel for the petitioner submits that the victim has already suffered a statement (P-3) before the Child Welfare Committee wherein she admitted for going with the petitioner with her free consent.

However, learned State counsel has placed reliance on the

statement of the victim recorded under Section 164 of Code of Criminal Procedure by learned Sub Divisional Judicial Magistrate, Ratia on 3.12.2018 where she alleges that she was subjected to sexual intercourse and that her objectionable photographs are still in possession of the petitioner.

Keeping in view the above circumstances, this Court is of the view that the petitioner is not entitled to the concession of pre-arrest bail.

Dismissed.

At this stage, counsel for the petitioner submits that in case the petitioner surrenders before the trial Court and moves an application for bail, the same may be disposed of at the earliest.

Trial Court is directed that in case the petitioner surrenders and moves an application for bail, the same shall be decided within seven days.

January 7, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No