

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-48045 of 2018
Date of Decision: 2.7.2019

Hakikat

....Petitioner

VERSUS

State of Haryana

....Respondent

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

Present: Mr. S.S.Momi, Advocate
for the petitioner (s).

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”) for grant of regular bail to the petitioner in case FIR No.207 dated 8.6.2018 registered for the offences punishable under Sections 366 of Indian Penal Code (for short, “IPC”) (306, 376 IPC and 4 of Protection of Children from Sexual Offences Act was added later on) at Police Station Badhra, District Charkhi Dadri.

Learned counsel for petitioner submits that the prosecutrix has since expired and, therefore, offence under Section 306 IPC has been added.

Heard.

Learned counsel for the petitioner submits that bail is a rule and jail is an exception but it is not an absolute rule.

In this case, the prosecutrix is aged about 17 years, 5 months and 17 days at the time of occurrence. She was kidnapped by the present

petitioner. Thereafter, the petitioner as well as the prosecutrix were found in unconscious condition as they consumed poison. On reaching the hospital, the prosecutrix had died but the petitioner survived. On post mortem examination of the prosecutrix, it was found that she has suffered some injuries on her private parts. The report of the Forensic Science Laboratory transpires that human semen was detected on the clothes worn by her i.e. underwear, trouser as well as on the slide and swab.

Keeping in view the seriousness of the allegations and circumstances of the case, the petitioner is not entitled to the concession of regular bail.

Dismissed. However, the trial court is directed to conclude the trial as early as possible preferably within a period of three months.

Nothing expressed above shall affect the merits of the case.

July 2, 2019

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No