

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17264-2020
(Heard through VC)
Date of decision: 11.08.2020

Rahul**....Petitioner****V/s.****State of Haryana****....Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Arpandeeep Narula, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 14 dated 09.03.2020 registered under Sections 342, 354-A, 363, 366-A, 376(2)(N) and 506 of Indian Penal Code, 1860 under Sections 6 and 8 of the POCSO Act 2012 at Women Police Station Dabwali, District Sirsa.

Learned counsel for the petitioner contends that the allegations in the FIR is that prosecutrix used to exchange calls with Ravinder @ Davinder, who is the friend of the present petitioner. Davinder used to compel the prosecutrix to meet him otherwise he will upload her photos on the net. On 08.03.2020 accused Ravinder @ Davinder called the complainant outside the house where he was standing alongwith Rahul-the present petitioner alongwith motorcycle. They both made the prosecutrix sit on the motorcycle and took her the photostudio of Ravinder @ Davinder and he committed rape upon her. The present petitioner was standing outside the shop to guard. The only role attributed to the petitioner is that he used to support Davinder. However, the allegation of rape has not been

attributed to the petitioner.

Learned counsel for the State submits that out of 22 witnesses, none has been examined. She further submits that as per the reply by way of affidavit filed by Deputy Superintendent of Police, Dabwali, the petitioner was arrested on 09.03.2020 and he was facing trial in another FIR No. 166 dated 29.06.2019 registered under Sections 323, 325, 341, 506 and 34 IPC at Police Station Sadar, Dabwali and this case is pending in the Court of Judicial Magistrate, Dabwali on 12.11.2020 for prosecution evidence. However the petitioner is on bail in that case as informed by ASI Gurmeet Kaur.

As far as present case is concerned, keeping in view that allegation of rape has not been attributed to the petitioner and the trial will take some time for its conclusion, this Court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

11.08.2020**Divyanshi****RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**