

CRM-M-20421-2020**Date of decision :10.08.2020****Yogesh @ Golu****.....Petitioner****Vs.****State of Haryana****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr Ajay Bhardwaj, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 CrPC for grant of concession of regular bail to the petitioner in FIR No.22 dated 17.03.2020 registered under Sections 120-B, 376-D, 34 IPC at Police Station, Women Police Station, Manesar, Gurugram.

It has been contended by the learned counsel for the petitioner that as per the allegations in the FIR, on 14.03.2020 Saurabh had called the Prosecutrix to his room at Bilaspur. Four boys were already present there. Saurabh and all the four boys were drunk and also gave the Prosecutrix a cold drink. Thereafter, Saurabh and Golu had committed wrong with her. He further refers to the medical examination of the Prosecutrix Annexure P-3 wherein the history/brief description of the incident as narrated by the victim was that she had been sexually harassed by Saurabh who was known to her since two months and both were in a relationship. The counsel for the petitioner has further drawn to

the notice of this Court the statement of the Prosecutrix under Section 164 CrPC to contend that even in this statement the Prosecutrix has stated that Saurabh had taken her to the room where he had intimate relations with her. She had also asked him to marry her and he said that he would talk to his parents. Learned counsel for the petitioner contends that *qua* him the Prosecutrix had not supported the case of the prosecution.

Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh Chhina, AAG Haryana accepts notice and on instructions from ASI Nisha states that this is a case of gang rape and the Prosecutrix even in her statement has categorically mentioned the presence of the other co-accused on the date of the occurrence. It is further contended that the petitioner was specifically named in the FIR.

Without commenting on the merits of the case, I do not find this to be a fit case for grant of regular bail. The petition is dismissed.

August 10, 2020
Kv

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking : Yes/No
Whether reportable : Yes/No