

107 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-30730-2020 (O&M)
Date of Decision: 05.10.2020

ROSHAN LAL SAINI

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Mukesh Yadav, Advocate for the petitioner
Mr.Ashok Kumar Sehrawat, DAG Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.19 dated 14.02.2020 registered under Sections 376D, 366, 506, 328 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The case of the prosecution as borne out from the FIR is that the petitioner was known to the prosecutrix and on the pretext of getting her work he took her on his motorcycle to a house where she was made to have a cold drink after which she lost consciousness and was gang raped.

Learned counsel for the petitioner seeks the grant of

anticipatory bail for the petitioner on the strength of an affidavit dated 24.08.2020 by the prosecutrix which according to him absolves the petitioner of the above crime.

The allegations against the petitioner are serious as, on a false pretext, he is alleged to have taken the prosecutrix to a house where, after being intoxicated, she was allegedly gang raped by four persons.

At this stage of the investigation, the affidavit relied upon by the petitioner is of no help to him as it cannot be ruled out that the same may have been procured by him from the prosecutrix, a Harijan lady, under pressure or influence.

In view of the above custodial interrogation of the petitioner is considered necessary.

Dismissed.

05.10.2020

gk

(Deepak Sibal)

Judge

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No