

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

CRM-M-1315-2021 (O&M)

Date of decision: 27.01.2021

Hussain

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Hussain, an accused in FIR No.43 dated 01.09.2020, for offences under Sections 354, 376, 506 of IPC and Sections 4 and 8 Protection of Children from Sexual Offences Act, 2012, registered with Police Station Women Police Station Mewat, District Nuh.

Briefly stated the prosecution story is that, on 25.08.2020 at about 12.00 after noon, victim a minor girl, aged about 15 years had gone to the fields at Village Bibipur to answer the call of nature, where she was over powered by the present petitioner Hussain, who committed rape upon her, whereas co-accused of the petitioner, namely Bilal stood as guard and he had molested the victim; when the victim

girl returned home and informed her father, then the matter was reported to the police, on the basis of which formal FIR was registered.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Nuh by moving an application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Nuh, who vide order dated 23.11.2020, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record and I find that facts and circumstances of the case do not warrant grant of discretionary equitable relief of pre-arrest bail to the petitioner, who is accused of raping a minor girl. The incident is to be viewed with all the seriousness, without showing misplaced and uncalled for sympathy to the petitioner. Thus, finding no merit in the instant petition, the same stands dismissed.

27.01.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No