

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19118-2021

Date of Decision: 17.05.2021

Akshay and another.....Petitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...
(through video conferencing)

Present: Mr. Sudhir Kumar Hooda, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

...

MANJARI NEHRU KAUL, J. (Oral)

This petition under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioners in FIR No. 125 dated 04.07.2019 under Section 376 IPC and Section 4 of the POCSO Act registered at Police Station Sanoli, District Panipat.

Learned counsel contends that the petitioners were found innocent during investigation and placed in column No.2. They are now being sought to be arrayed as accused on the basis of the statement of the victim wherein she levelled allegations against the petitioners of having committed rape upon her. Learned counsel submits that the allegations on the face of it are concocted inasmuch as no such allegation was levelled against the petitioners in the statement recorded under Section 164 Cr.P.C. nor was there any medical evidence to support the allegations of rape.

Learned counsel submits that there is a genuine apprehension on the part of the petitioners that they may be arrested and sent to custody when they appear before the trial court on the date fixed. It has therefore been submitted that they be extended the concession of anticipatory bail.

Heard.

A perusal of the statement of the victim recorded under Section 164 Cr.P.C., which has been annexed as Annexure P2, however, reveals that the petitioners were specifically attributed a role in the crime in question by the prosecutrix. It is evident that the learned counsel has tried to mislead this court by making submissions which are contrary to record.

In the aforementioned circumstances, when this court was not inclined to extend the concession of anticipatory bail to the petitioners, a prayer was made by the learned counsel to withdraw the instant petition.

Prayer is allowed. The petition is dismissed as withdrawn.

17.05.2021
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No