

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

Sr. No.203

**CRM-M-25342-2020
Date of Decision: 06.01.2021**

RAGHUBIR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Jaswinder Singh Grewal, Advocate
for the petitioner.

Mr.M.S.Nagra, Assistant Advocate General, Punjab.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is a petition seeking regular bail under Section 439 Cr.P.C. filed by the petitioner in case bearing FIR No.127 dated 08.10.2019 and under Section 6 of Prevention of Children from Sexual Offences Act, registered at Police Station Khui Khera, Fazilka (Annexure P-1).

As per version of the prosecution, prosecutrix is minor daughter of the complainant. On 03.10.2019 at 06:00 PM, Vicky accompanied by Raghubir reached the house of the complainant. They had taken away the prosecutrix, on their motor-cycle, on the pretext of making her meet her father but instead of taking her to Village, they took her to Village Ghallu where Vicky had raped her. Now, it is submitted by learned counsel for the petitioner that the petitioner is in custody since 28.01.2020 and it is also submitted that the challan has been presented, but however,

charge has yet not been framed in the present case. As such, prayer has been made for grant of regular bail to the petitioner.

On the contrary, learned State counsel has resisted the claim for grant of bail as he submits that challan has been presented but charge has yet not been framed. In view of the same, the trial is yet to begin before the trial Court. Considering the initial stage of the case, he has submitted that regular bail be not granted to the petitioner.

Even though, there are specific allegations about co-accused Vicky to have committed rape upon the prosecutrix, but however, Raghubir the present petitioner had facilitated the taking away of the petitioner while he accompanied Vicky on the relevant date i.e. 03.10.2019. Considering the role so assigned to the petitioner, it cannot be concluded at this stage, about the petitioner to be innocent. The challan has been presented, but the charge has yet not been framed and the case is at initial stage and the trial is still to begin before the concerned Court.

Considering all the aforesaid circumstances and it being a case of gang rape, at this stage, no case is made out for grant of regular bail to the petitioner. Accordingly, the present petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

06.01.2021

Himanshu

Whether speaking/reasoned

Yes

Whether reportable

No