

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

CRM-M-31711-2021

Date of Decision: August 09, 2021

Vicky @ Kalu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Mukesh Yadav,Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.106, dated 16.03.2021, under Sections 323/376/427/506, 34 IPC and 67 I.T. Act, registered at Police Station, Kanina, District Mahendergarh.

As per the allegations levelled by the prosecutrix in the FIR, co-accused Naresh forcibly raped the prosecutrix. She has also alleged in the FIR that two boys were standing near the gate and one of them, whom she recognised, was Ranbir son of Pappu Singh, who made the video and brother-in-law of Ranbir, i.e. the petitioner, was also standing there who threatened the prosecutrix that he has the video and in case she dared to report the matter to the police, they will kill her. She further alleged that co-accused Ranbir and the petitioner beat her as well.

Learned counsel for the petitioner contends that petitioner is

contends that the prosecutrix had entered into compromise with the petitioner. In support of this, he relies upon the compromise, which is annexed as Annexure P1 with this petition.

Notice of motion.

On the asking of the Court, Mr.B.S.Virk, Deputy Advocate General, Haryana, accepts notice on behalf of the State. He has vehemently opposed the contentions raised by the petitioner and has contended that the petitioner has played a very active role in the crime alleged. He further contended that there are three accused involved in this FIR and two of them are behind bars however, only the petitioner remains to be arrested. He contends that looking into the gravity of the offence, the custodial interrogation of the petitioner is required and hence, this is not a case for grant of anticipatory bail.

I have heard both the counsel.

On the basis of the arguments raised and perusal of the record, I am of the opinion that the petitioner has played an active role in this serious offence. For free and fair investigation, his custodial interrogation is apparent. The compromise relied upon by the petitioner is not relevant in the facts and circumstances of the case. In the overall facts and circumstances, the petitioner failed to qualify for grant of concession of anticipatory bail as per the mandate of Section 438 Cr.P.C.

Hence, the petition being devoid of any merit, is hereby dismissed.

August 09, 2021

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No