

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

CRM-M-3285-2022

Date of Decision:14.02.2022

MEGH RAJ

...Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S.Mamli, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J. (ORAL)

This is fifth petition filed under Section 439 Cr. P.C for grant of regular bail to the petitioner in case of FIR No.61 dated 17.02.2020 under Section 376, 506 read with 34 of Indian Penal Code, 1860 at Police Station Madhuban, District Karnal.

Three bail petitions were dismissed as withdrawn and in fourth a permission was sought to approach the Sessions Court to show the change in circumstance. On dismissal of the prayer by the Sessions Court, present petition is filed.

The allegations are that on 16.02.2020, at about 10:30 p.m the complainant alongwith her husband were waiting at toll plaza, Bustada. They went to the washroom, two boys were standing outside the washroom. One of the accused kept his hand on the mouth of the complainant, threatened with a knife and took her to the side of pulia/culvert. The petitioner-Megh Raj made physical relation with her and one of the co-accused was standing near to pulia/culvert.

The counsel for the petitioner submits that the petitioner is in custody since 18.02.2020, the prosecutrix is not coming forward in spite of five opportunities granted. He relies upon the fact that co-accused namely, Sukhwinder Singh was granted bail. He further submits that the personal liberty of the petitioner is being deprived as there is no speedy trial.

The State counsel opposes the prayer for grant of bail to the petitioner and submits that the petitioner is the main accused. Contention is that the medical of the victim was done and it substantiates the allegation made by her. He further submits that the trial is progressing and out of sixteen prosecution witnesses, five have been examined and the prosecutrix is yet to be examined and if the bail is granted to the petitioner, there is an apprehension of witnesses being influenced.

The allegations against the petitioner are serious; considering the gravity and nature of the offence, custody period alone cannot be ground for grant of bail. Moreover, in spite of COVID-19 situation, there is progress in the trial. The allegations qua the petitioner and the co-accused who has been granted bail by this Court are different, no act of sexual assault was attributed to the co-accused.

No case is made out for grant of bail to the petitioner.

Accordingly, the present petition is dismissed.

February 14, 2022

Jyoti-IV

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No