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Rameshvar alias Rameshar alias Gulla

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Zorawar Singh, DAG, Harvana.

VIVEK PURI, J. (Oral)

Through instant petition, the petitioner is seeking grant of regular bail in case FIR No.437 dated 31.12.2021 under Section 365, 328, 376 and 34 IPC 1860, registered at Police Station Punhana, District Nuh.

The case has been registered on the basis of statement made to the police by Aas Mohd., alleging that his daughter i.e. prosecutrix went missing from house on 25.11.2021. It was suspected that she has been abducted by the petitioner and his family members.

Learned counsel for the petitioner contends that the prosecutrix has been recovered on 18.01.2022 and in her statement under Section 161 Cr.P.C., she has not attributed allegation of commission of sexual intercourse much less forcible sexual intercourse against the petitioner. Moreover, similarly placed co-accused namely Moharpal Singh has been granted anticipatory bail by this Court and Bhagirath @ Kailash co-accused has been granted regular bail by the Court of learned Additional Sessions Judge. The petitioner is in custody for a period of 7 months and 9 days.

Learned State counsel has opposed the bail application of the petitioner on the score that in the statement of the prosecutrix recorded under Section 164 Cr.P.C., she has specifically and categorically made allegation of forcible sexual intercourse against the petitioner. Even the victim has been recovered from the custody of the petitioner. Prosecutrix was found to be pregnant and has suffered abortion. The fetus has been sent for DNA analysis. Moreover, the case of the petitioner is not at par with co-accused who have been granted bail.

It may be mentioned here that in the statement of victim under Section 164 Cr.P.C., specific and categoric allegations have been levelled with regard to commission of rape against the petitioner. The prosecutrix was found to be pregnant and suffered abortion. The report of DNA analysis on the fetus has not been received and the statement of the prosecutrix is yet to be recorded in the trial Court. The case of the petitioner cannot be termed to be at par with the co-accused namely Moharpal Singh and Bhagirath @ Kailash as the allegation of commission of rape have not been attributed to them. Keeping in view the entire circumstances, no ground is made out for grant of regular bail to the petitioner and the petition is hereby dismissed.

31.08.2022
anil

(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>