

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 102

Criminal Miscellaneous No.M-7229 of 2023
Date of Decision: February 10, 2023

Robin Nain

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Rakesh Nagpal, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.538 dated 07.11.2022, under Sections 363, 366-A IPC (Sections 376(2)(n), 417, 420, 467, 468, 471, 474, 506 IPC and Section 6 of POCSO Act, 2012 added later on), registered at Police Station City Tohana, District Fatehabad.

The allegations are that the petitioner had enticed away the complainant's daughter aged about 17 years, 9 months and 6 days.

Learned counsel for the petitioner contends that the petitioner was admitted to interim bail by the trial Court and he joined the investigation also. But subsequently, the interim bail was cancelled as the offences under Sections 417, 420, 468, 471 and 474 IPC were added in the case. He has also submitted that initially in the statement under Section 164 Cr.P.C. of the victim, she has not named the petitioner.

Notice of motion.

Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent-State and Mr. Jitender Dhanda, Advocate has put in

appearance on behalf of complainant by filing vakalatnama.

Learned State counsel, assisted by Mr. Jitender Dhanda, Advocate, on instructions from SI Geeta, states that the victim was recovered after six days on 12 November from the petitioner’s aunt house. During investigation, it was found that he took the victim to a hotel and forged her aadhar card to show a different date of birth. He allegedly raped the victim there twice. Besides, the mobile phone handed over to the investigating officer has been formatted. Therefore, nothing could be ascertained from it.

There are serious allegations against the petitioner. He has not cooperated with the police despite grant of interim bail on earlier occasion by the trial Court. Investigation of the case is at initial stage, facts are still to be ascertained. Therefore, custodial interrogation of the petitioner will be required, as claimed by the learned State counsel.

Therefore, the petition is dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

10.02.2023
Payal

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>