

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

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CRM-M-34551-2022

Date of decision : 25.01.2023

Lalit @ Raju

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr.Sushil K.Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan Asst. A.G. Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioner - Lalit @ Raju filed the instant petition under Section 439 of Cr.P.C. seeking regular bail in FIR no.133 dated 02.05.2021 under Sections 323, 325, 328, 343, 365, 376-D, 506, 120-B IPC and 3 (2) (v) of SC/ST Act, registered at Police Station Sadar Pehowa, District Kurukshetra.

The facts of the case are that the prosecutrix gave her statement to the police that she is a household lady having four children. Her marriage was performed about 20 years ago. On 28.04.2021, at about 1:00 PM, she was working in her house when a brick fell in their courtyard. She came out to see. One young boy was standing at the gate of her house and he gagged her mouth and took her towards a car where two young boys were already sitting. They forcibly took her to Ambala. She identified the boy who gagged her mouth, was namely Rinku and was doing labour work along with her.

The other boys were called by name as Sunil and Raju. She was taken in a room where three of them raped her forcibly. She was locked in a room. On 02.05.2021, she was left near Arunai Mandir turn. With these allegations, present FIR has been registered.

Learned counsel for the petitioner argued that the petitioner is falsely implicated in this case. No such occurrence took place. In the FIR, it is alleged that some unknown persons informed her husband and she was taken to the hospital and on the other hand, it is claimed that her brother-in-law brought her to her husband and he admitted her in the hospital. The prosecutrix is changing her version at every step. The version put forward by her cannot be believed. No offence is made out under SC/ST Act. The present petitioner has already joined the investigation. Even otherwise, the statement of prosecutrix as PW-1 is already recorded. The petitioner is behind the bars since long. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The learned State counsel has opposed the bail application. In the detailed status report, it is mentioned that after the presentation of challan on 08.07.2021, the charge has been framed on 07.10.2021. The prosecution has already examined two witnesses. The allegations are serious in nature. Therefore, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. The present petitioner is specifically named along with other co-accused namely Rinku and Sunil. The challan is already presented and the evidence of the prosecution is under progress. It is a matter of record that statement of victim is recorded as PW-1 and rest

of the prosecution evidence is yet to be recorded. The facts of the case indicate that it is a case of gang rape. Along with the status report, MLR of the victim and the report of FSL, Madhuban, Karnal are also placed on the file. The statement of victim as PW-1 will be appreciated at a relevant stage by the trial Court. At this stage, considering the aforesaid facts and the gravity of offence, I do not find a fit case for regular bail and the same is accordingly declined.

Accordingly, the present petition stands disposed of.

(AMARJOT BHATTI)
JUDGE

25.01.2023.
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No