
(2011) 11 P&H CK 0003

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc.-M No. 27361 of 2011 (O and M)

Raj Singh Alias Master

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 14-11-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 164
Penal Code, 1860 (IPC) — Section 342, 363, 366, 372, 376

Citation : (2012) 1 RCR(Criminal) 294

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Judgement

Rajesh Bindal, J.—Prayer in the present petition is for grant of regular bail to the petitioner, who is accused in FIR No. 512 dated 1.7.2011 registered under Sections 342, 363, 366, 372, 376, 506 IPC at Police Station Sadar Hisar, District Hisar.

2. Learned counsel for the petitioner submitted that the prosecutrix in the present case is 18 years of age. She had travelled in public transport along with the accused at her own will. There are no allegations against the petitioner that he committed rape upon her. Even in her statement recorded u/s 164 Cr.P.C., she alleged that Satyawar and Satish had committed rape. In the FIR, it is stated that the prosecutrix had managed to run away from the custody of Sattu and reached Hansi via Fatehabad in a bus. However, she was forcibly alighted from the bus by the petitioner and again handed over to Satish, Satyawar and Sattu. The aforesaid allegations were not made by the prosecutrix when she got her statement recorded u/s 164 Cr.P.C. It is alleged in the FIR that two persons, who are neighbours of the prosecutrix had brought her from Assam by promising her a job. The petitioner is in custody since July 06, 2011.

3. On the other hand, learned counsel for the State submitted that the petitioner has been specifically named in the FIR. All the accused had conspired together by buying the prosecutrix from two persons, who had brought her from Assam

and selling her to the accused named in the FIR. Considering the seriousness of allegations against the petitioner, he does not deserve concession of bail.

4. After hearing learned counsel for the parties and considering the allegations against the petitioner in the FIR where only the present petitioner is shown to the place when the prosecutrix was handed over by Altu and Nazrul at Hansi to other accused where after she had accompanied Satish and Satyawar; further the allegations of rape by the prosecutrix being only against Satyawar and Satish and allegations against the petitioner in the FIR being that he had alighted her from the bus at Hansi and handed over again to Satish, Satyawar and Sattu, which is a public place, in my opinion, the petitioner deserves concession of bail pending trial. The petitioner is directed to be released on furnishing of bail bonds to the satisfaction of Chief Judicial Magistrate Duty Magistrate, Hisar.

The petition stands disposed of.