

(2013) 07 P&H CK 0819

High Court Of Punjab And Haryana At Chandigarh

Case No: CRR No. 218 of 2013 (O and M)

Bhajan Lal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: July 29, 2013

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 401

Hon'ble Judges: Sabina, J

Bench: Single Bench

Advocate: Jainainder Saini, for the Appellant; Satyavir Singh Yadav, Addl. A.G. Haryana, for the Respondent

Final Decision: Dismissed

Judgement

Sabina, J.

Petitioner has filed this petition u/s 401 of the Code of Criminal Procedure, 1973 challenging the order dated 24.12.2012, whereby, the appeal filed by the petitioner against the order passed by the Juvenile Justice Board rejecting his bail application was dismissed. Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case. No specific role was attributed to the petitioner.

2. Learned State counsel, on the other hand, has opposed the petition.

3. As per the prosecution case, petitioner and his co-accused had committed rape of the prosecutrix.

4. Learned Additional Sessions Judge, while dismissing the appeal filed by the petitioner has observed as under:-

Per allegations, the applicant alongwith co-accused abducted the prosecutrix, confined her in a room and committed gang rape with her for about four days. The social status report which has been submitted by the state shows that the father of

applicant is a labourer by occupation and reside in village Chambal District Sirsa and has good antecedents. The mother of applicant has expired and he has two sisters, one married and other unmarried and one married brother. There is also report of Member Block Samiti Gram Chambal District Sirsa that the applicant is permanent resident of village Chambal but for the past two years, he is staying in Delhi and doing plumber job. He generally remains out of the village. But there has been no incident of his indulging in any affray or fight in the village.

The social status report of the family of applicant is good but from the same, it is made out that the applicant is not staying in the company of his family and is working outside and as such he has no direct or indirect control of his family particularly of his father on him. If applicant is released on bail, there is likelihood that he would go into the same company and would have a dirty environment, which would not be conducive for the well being of the applicant himself as it would expose him to moral physical or psychological danger. Besides the allegations appearing against the applicant are grave, if he is released on bail, it would defeat the ends of justice.

5. The reasons given by the Appellate Court while dismissing the appeal filed by the petitioner are sound reasons. Learned Additional Sessions Judge has noticed that in case the petitioner was ordered to be released on bail, then there was every likelihood that he would again go back to the same company which would expose him of moral, physical and psychological danger. Hence, no ground for interference by this Court is made out. Dismissed.