

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.M.P(M) No. 34 of 2015

Decided on: 30th January, 2015

Mahender Singh @ Raju

.....Petitioner

Versus

State of H.P.

...Respondent.

Coram

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

Whether approved for reporting?¹

For the petitioner: Mr. Surinder Saklani, Advocate.

**For the respondent: Mr. Ashok Chaudhary and
Mr. Virender Verma, Additional
Advocates General.**

Dharam Chand Chaudhary, Judge. (Oral)

During the course of arguments, it transpired that the proceedings in the trial Court against the accused-petitioner is at an advance stage as the same is now listed for recording remaining prosecution evidence on 20.02.2015. Learned counsel while making reference to the evidence as has come on record by way of testimony of the father of the prosecutrix, the complainant and the remaining evidence has contended that on merits no case against the accused-petitioner is made out.

¹ Whether the reporters of Local Papers may be allowed to see the judgment?

2. The present is an application for the grant of bail. It would not be appropriate to weigh the evidence having come on record in the trial Court at this stage as in that event prejudice is likely to be caused to the case of either party on merits. The accused-petitioner having been booked for the commission of an offence, not only heinous but grievous in nature having committed against a minor girl prima-facie is not entitled to be admitted on bail when the trial is in progress and presently at the stage of recording prosecution evidence. His release on bail may hamper further proceedings in the case and possibility of tampering with the prosecution evidence cannot also be ruled-out. Therefore, I find no merits in the application and the same is accordingly dismissed.

January 30, 2015
(naveen)

(Dharam Chand Chaudhary)
Judge