

**Crl.Misc.No.M-12922 of 2015(O&M)
and connected case**

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

1. Crl.Misc.No.M-12922 of 2015(O&M)

Vikas

Petitioner

Versus

State of Haryana

...Respondent

2. Crl.Misc.No.M-12925 of 2015(O&M)

Arun Kumar @ Gaurav

....Petitioner

Versus

State of Haryana

...Respondent

Date of Decision : 05.05.2015

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Nitin Mittal, Advocate for the petitioners

Mr. P.S.Chauhan, Addl. AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

MAHESH GROVER, J.

This order will dispose of two petitions bearing CRM no.M-12922 and 12925 of 2015.

The petitioners pray for grant of pre-arrest bail in terms of Section 438 Cr.P.C in case FIR no. 248 dated 9.10.2014 registered under Sections 365, 506, 120-BIPC at Police Station Naraingarh, District Ambala.

The facts would reveal that prosecutrix was in relationship with one Prithvi Singh alias Monu. Her statement under Section 164 Cr.P.C recorded in the first instance would indicate as such. The FIR has been registered by Sh. Ram Karan father of the prosecutrix Manisha, who stated

that on the night of 6.10.2014 Prithvi Singh alias Monu alongwith Arun Kumar @ Gaurav and Vikas administered something in the food taken by them and kidnapped Manisha and subjected her to rape. The statement of the prosecutrix recorded in the first instance on 10.10.2014 does not reveal anything of this sort which is now sought to be introduced in a subsequent statement recorded on 3.12.2014.

In the considered view of this Court, in view of the fluctuating stand of the prosecutrix herself, it would be difficult to discard the plea of false implication made by the petitioners at this stage. The facts and the material on record also indicate that the prosecutrix was already married prior to the incident.

For the aforesaid reasons when the statement of the prosecutrix is not consistent, prayer of the petitioners based on apprehension of false implication to grant them concession of pre-arrest bail is accepted. Petitions stand allowed. It is directed that in the event of arrest of the petitioners shall be released on bail subject to compliance of provisions of Section 438 (2) Cr.P.C.

Nothing said herein shall be construed to be an expression on the merits of the case.

May 05, 2015
rekha

(Mahesh Grover)
Judge