

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

CRM-M-15530 of 2015
Date of Decision: May 29, 2015

Harish Arya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

This is a petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.381 dated 18.4.2014 under Sections 376,342,506,509,332,352,186,120-B IPC registered at Police Station City Karnal, District Karnal.

The allegations against the petitioner in this regular bail application are that his co-accused/non-applicant Ramesh on 17.4.2014 at 6.30 p.m. had called the prosecutrix, who is major, to a shop and on the pretext of marriage committed rape against her wishes. It is argued with much vehemence by the learned counsel for the petitioner that there is no allegation levelled against the petitioner in the FIR much less any evidence against him and that the principal accused Ramesh has already been allowed bail as the stand of the prosecutrix before the Court was of total denial of having ever implicated him and as well as the

incident of rape and which arguments could not be controverted on behalf of the State. However, a feeble attempt has sought to be made by the State counsel that it was in a subsequent statement of the prosecutrix under Section 164 Cr.P.C. made on 1.6.2014 the name of the petitioner has cropped up.

Appreciating these arguments, in the very first statement of the prosecutrix before the police under Section 164 Cr.P.C. on 22.4.2014 the name of the petitioner has not figured and it is something that has cropped up in the second statement.

In view thereof, without adverting anything onto the merit of the case and keeping in view the fact that the petitioner is in custody since 13.7.2014 and trial is not likely to be concluded in near future and that no useful purpose would be served by keeping him behind the bars, the present petition for grant of regular bail to petitioner is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

May 29, 2015
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