

Sr. No. 205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-19653 of 2015
Date of Decision: 07.09.2015

Sunny

--Petitioner

Vs

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl. A.G. Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 1034 dated 13.11.2014 under Sections 376,511,506 and 509 of the Indian Penal Code, registered at Police Station Karnal, District Karnal.

Learned counsel for the petitioner submits that even as per the MLR of the prosecutrix, no offence of rape as such is made out against the petitioner. He submits that prosecutrix as well as petitioner are married persons. Petitioner himself suffered two injuries on the vital parts of his body which have gone totally unexplained by the prosecution. Prosecution evidence is still going on and the conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that prosecution evidence is about to conclude as only 1 more PW is

to be examined on the next date of hearing i.e. 18.09.2015. He further submits that allegation of an offence under Section 376 IPC is clearly made out against the petitioner. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because a bare perusal of the MLR would prima facie show that even the doctor has recorded it to be a case of alleged history of an attempt to rape. No injury, of any kind, was found on the person of the prosecutrix. When a pointed question was put to the State counsel as to how the injuries suffered by the petitioner were explained, he had no answer and rightly so, it being a matter of record. Further, since the prosecution evidence is still going on, conclusion of trial will take some time.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

07.09.2015
vandana