

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

CRM-M-24719-2015

Date of decision : 13.08.2015

Krishan Pal

.....Peittioner

Vs

State of Haryana

.....Respondent

Coram : Hon'ble Mr. Justice Naresh Kumar Sanghi

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

NARESH KUMAR SANGHI, J. (oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Krishan Pal who has been booked for having committed the offences punishable under Sections 376, 506, IPC, and Section 4 of the Protection of Children from Sexual Offences Act, 2012, in a case arising out of FIR No. 341, dated 20.11.2014, registered at Police Station Rai, District Sonapat.

Learned counsel contends that the petitioner has been falsely implicated in the present case. The medical evidence collected by the prosecution would not connect the petitioner with the alleged offences since the injuries were not found on the person of the prosecutrix. Even the FSL report negates the commission of rape since semen was not detected on any of the objects sent for chemical examination. He further contends that

father of the prosecutrix has been examined as PW-11 and during cross-examination he was constrained to admit that prior to the registration of the present case a complaint was lodged with the police for outraging the modesty of the sister of the prosecutrix by Pona, cousin of the petitioner. He further admitted during cross-examination that Rampal was his brother and he too had lodged a complaint with the police for outraging the modesty of his daughter by Dharmi, an uncle of the petitioner. He also points out that the alleged occurrence had taken place on 19.11.2014 while the matter was reported to the police on the next date which also creates dent in the prosecution version.

On the other hand, learned counsel for the State points out that as many as 13 prosecution witnesses out of 14 have been examined and the prosecution is likely to conclude its evidence in near future. He further submits that the prosecutrix has fully supported the prosecution version during her deposition before the trial Court.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, the prosecutrix has already been examined by the learned trial Court and, as such, there is no

threat perception to the prosecutrix that she would be won over. The medical evidence is not connecting the allegations of rape. Enmity to falsely implicate the petitioner in the present case would be a moot point during trial. The petitioner is behind bars since 20.11.2014.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. The petitioner is directed to be released on bail during the pendency of trial of the present case subject to his furnishing bond in the sum of ₹1,00,000/- (Rupees one lac only) with one surety in the like amount to the satisfaction of the learned Chief Judicial Magistrate/duty Magistrate, Sonapat.

Observations herein above are for the limited purpose of deciding the present bail petition.

(NARESH KUMAR SANGHI)
JUDGE

13.08.2015

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