

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.27939 of 2015

Date of Decision:-26.08.2015

Monu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. SPS Sidhu, Advocate for the Petitioner.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC to the petitioner Monu in case FIR No.34 dated 17.01.2015 for offences punishable under Sections 365 and 376 of the Indian Penal Code registered with Police Station Model Town, Panipat.

As per the allegations in the FIR lodged by the father of the prosecutrix, there was a suspicion that the prosecutrix has been taken and kept concealed by the petitioner Monu.

The petitioner was arrested on 27.03.2015 on the recording of the statement under Section 164 Cr.PC of the prosecutrix-Geeta whereby it was alleged that the petitioner-accused along with other co-accused had taken her after mixing something in her Tea. Petitioner-accused is stated to have repeatedly raped her at Daruhera and Panipat during the period from

13.01.2015 to 23.01.2015.

Learned Counsel for the petitioner states that the prosecutrix is a married lady of 23 years of age and having dispute with her husband. In her first statement under Section 164 Cr.PC got recorded she specially says that she had gone to the house of maternal uncle without informing anyone and no one was at fault. In fact the police had prepared a cancellation report, however, subsequently she has changed her statement and falsely implicated the petitioner.

Learned State Counsel on instructions from ASI Shamsheer Singh does not refute the aforesaid factual situation, however, states that the prosecutrix has since been examined and has supported the case of the prosecution.

It is not disputed that an application under section 319 Cr.PC has been moved for summoning others as additional accused.

Without commenting upon the merits of the case, keeping in view the period of incarceration of the petitioner-Monu and the fact that the trial is likely to take sometime, this Court finds that he deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Panipat.

(JASWANT SINGH)
JUDGE

August 26, 2015
Vinay