

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

CRM-M-28576-2015 (O&M)
Date of decision : 31.08.2015

Vikram @ Pannu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ajay Singh Ghangas, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana
assisted by SI Balwan Singh.

JITENDRA CHAUHAN, J.

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.470 dated 05.05.2015, registered under Sections 376, 506, 34 of the Indian Penal Code, at Police Station Chandni Bagh, Panipat.

The learned counsel for the petitioner submits that the story put forth by the prosecution is highly improbable. There are material discrepancies in the version recorded in the FIR and the statement of the prosecutrix recorded under Section 164 Cr.P.C. The learned counsel further refers to the joint statement of the complainant and her

husband recorded on 04.04.2015, wherein, it has been stated that they are living separately since 15.03.2014. Whereas, in the FIR, it has been alleged that the prosecutrix was raped on 23.04.2014, when she was alone at the matrimonial home.

On the other hand, the learned State counsel has opposed the present petition on the ground that the complainant in the present case is yet to be examined.

Heard.

The petitioner is in custody since 06.05.2015. There are a number of contradictions in the FIR and the statement of the prosecutrix recorded under Section 164 Cr.P.C. It has also been brought to the notice of this Court that in the case, the prosecutrix refused to get herself medically examined. The possibility of false implication of the petitioner on account of his previous enmity with the husband and other family members of the prosecutrix also cannot be ruled out.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

31.08.2015

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(JITENDRA CHAUHAN)

JUDGE

ATUL SETHI
2015.08.31 17:24
I attest to the accuracy and
authenticity of this document
Chandigarh