

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

105+210

CRM-M-30489 of 2015

DATE OF DECISION: 29.09.2015.

Kadam Ansari

....Petitioner.

VERSUS

State of U.T., Chandigarh

....Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Keshav Partap Singh, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate
for respondent-U.T., Chandigarh.

Shekher Dhawan, J. (Oral)

CRM-31872 of 2015

Prayer made in the application is for placing on record statement of prosecutrix recorded before learned trial Judge on 01.09.2015. Same is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-30489 of 2015

Prayer made in the petition is for release of petitioner on regular bail who is otherwise in custody from 30.06.2015. Learned counsel for the petitioner submitted that as per first information made available to the police there was no allegation against the petitioner. Subsequently, statement of prosecutrix was recorded under Section 164 of Cr.P.C. and at that time prosecutrix levelled certain

same time she made statement that Kadam Ansari not be punished in any way because Kadam kept her happy. Subsequently, statement of prosecutrix was recorded before learned trial Judge on 01.09.2015 and at that stage, prosecutrix failed to identify the present petitioner and she specifically pointed out that petitioner though was present in the Court, was not the same person who had committed that 'bad things' with her. Petitioner is otherwise is in custody and the decision of the case still to take some more time.

Learned State counsel opposed the bail application on the ground that there are specific allegations against the petitioner of committing rape upon prosecutrix as per her statement under Section 164 of Cr.P.C. and bail application be dismissed.

Having considered the submissions made by learned counsel for the parties and the facts that prosecutrix is changing her version at different stages regarding present petitioner Kadam Ansari. In her statement before learned trial Judge she failed to identify the present petitioner. Initial version by way of FIR is not against the petitioner regarding commission of offence of rape. Without expressing anything on the merit of the case, present petitioner is ordered to be admitted bail on furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

29.09.2015.

komal