

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : October 13, 2015

1. CRM-M No.32383 of 2015 (O&M)

Gian Chand vs State of Haryana

2. CRM-M No.34230 of 2015 (O&M)

Arjun Singh & Another vs State of Haryana

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Parveen Chauhan, Advocate
for the petitioner in CRM-M No.32383 of 2015

Mr. ADS Jattana, Advocate
for the petitioners in CRM-M No.34230 of 2015.

Ms. Tanushree Gupta, DAG Haryana

1. **Whether Reporters of Local Newspapers 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 ?**

Ajay Tewari, J (Oral)

This order shall dispose of CRM-M Nos.32383 and 34230 of 2015, as both the petitions arise from the same FIR.

The petitioners seek grant of regular bail in case FIR No.232, dated 1.6.2015, registered under Section 376(D) of the IPC, at Police Station Indri, District Karnal.

Learned counsel for the petitioners have argued that in the original FIR, the prosecutrix had not named any person. Thereafter, in the evening a supplementary statement was recorded in which the names of the

petitioners are stated to have appeared. However, on the very next day, when the prosecutrix recorded her statement under Section 164 of the Cr.P.C before the Magistrate she did not name the petitioners and stated that she did not know who raped her. As per the learned counsel, in these circumstances the supplementary statement which the prosecutrix is alleged to have made on the previous date has been made the basis of the arrest of the petitioners. The petitioner in CRM-M No.32383 of 2015 has now been in custody since 8.8.2015, and the petitioners in CRM-M No.34230 of 2015 have now been in custody since 1.6.2015.

Learned DAG Haryana, on instructions from ASI Suresh Kumar, has accepted these factual assertions.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioners, I do not deem it appropriate to deny the concession of regular bail to the petitioners.

Bail to the satisfaction of the trial Court/Duty Magistrate.

Petitions stand disposed of.

(AJAY TEWARI)
JUDGE

October 13, 2015
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