

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

Crl. Misc. No. M-19925 of 2016

Date of decision : 27.07.2016

Azad

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sanjay Vashishth, Advocate,
for the petitioner

Ms. Mahima Yashpal, A.A.G, Haryana

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 56 dated 24.11.2015, registered at Women Police Station Bhiwani, District Bhiwani, who has been booked for having committed the offence punishable under Sections 450/506/376 (d)/34 (challaned u/s 450/506/376(2)/34 IPC)

There is a lot of discrepancy in the statement of the complainant made under Section 164 Cr.P.C and while appearing as P.W.9, as in the statement under Section 164 Cr.P.C, she stated that she is being raped by the petitioner, as he threatened her to kill by gun and while appearing as P.W.9, she stated that the petitioner raped her by threatening the complainant to kill by pistol.

Further as per discharge application of co-accused Kuldeep Singh, it seems that the prosecutrix has manipulated and concocted a false

story, as the talk of compromise was going on between the parties.

Learned State counsel on instructions from ASI Suman Rani has informed the Court that no pistol has been recovered till date. Further out of 16 witnesses, 10 have been examined so far. Petitioner is in custody since 04.09.2015.

Keeping in view the period of incarceration of the petitioner, this court feels that there is no need to detain the petitioner any longer.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

27.07.2016

G Arora

(RITU BAHRI)
JUDGE