

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-22907 of 2016 (O&M)
Date of Decision: 23.9.2016

Pawan Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.R.Yadav, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ANITA CHAUDHRY, J(ORAL)

CRM-28906-2016

Application is allowed and Annexure P-23 is taken on record.

CRM-M-22907-2016

The petitioner is seeking regular bail in FIR No. 278 dated 4.8.2015 registered at Police Station Kanina, District Mahendergarh under Sections 342, 323, 376, 511, 506, 34 IPC and subsequently Section 376 IPC was added in place on Section 376/511.

Petitioner is in custody since 26.2.2016. The incident is said to have occurred on the night of 31.7.2015. Report was lodged on the next day but the FIR was registered on 4.8.2015. In the first complaint made by the victim who is a married woman, allegations were made that rape was attempted but on the same evening, in the statement given to the Magistrate, allegations of rape were made.

Counsel for the petitioner contends that CCTV camera pictures

were collected from Nizamudin Railway Station and the fact that the prosecutrix left the railway station at night after 1.00 A.M. stood falsified and her statement that her purse had been stolen was found to be false and statement under Section 161 Cr.P.C. were recorded by the police and Annexure P-11 to Annexure P-14 have been placed on record.

The allegations against the petitioner are that on the instructions given by the husband, the petitioner had gone to pick up the prosecutrix and her daughter from the railway station and he brought her and locked in a room for several hours and thereafter committed rape. The allegations of rape had only appeared in the statement given to the Magistrate. It does not find a reference in the FIR. There are contradictory versions in the 161 Cr.P.C. statement.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate with the condition that the petitioner would not contact the prosecutrix in any manner.

(ANITA CHAUDHRY)
JUDGE

September 23, 2016
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No