

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

**CRM-M-41734-2016
Date of decision : 19.12.2016**

KAMAL

..... Petitioner

versus

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ajay Bhardwaj, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.591 dated 10.09.2016 registered under Sections 364, 365, 379-B IPC, 1860 at Police Station-Sector 10, Gurgaon.

Reply by way of affidavit of Sandeep Khirwar, IPS, Commissioner of Police, Gurugram has been filed, the same is taken on record.

As per the allegations, the victim lived in Village Bassai in Gurgaon had gone to Faridabad at about 11:00 a.m and reached at 5:00 p.m and then she went to meet one of her friend who was sitting in the park and sat with him till 08:00-08:15 pm. Thereafter she went to Jagran but after some

time decided to go home and change her clothes because there was tear in trouser and at about 12:20 she boarded the auto and went home and after changing her cloth came back again where the same auto was waiting. She again took that very auto to go back Gurgaon Bus stand but on this occasion the auto turned towards village Gardoli and when she made loud noise a car started following the auto and the persons who were in the auto threw her out of the auto. The car driver took her to the hospital.

Learned counsel for the petitioner states that the petitioner has been in custody since 18.09.2016 and the whole story is ridden with inconsistencies. Moreover, in her statement under Section 164 Cr.P.C the complainant had unequivocally stated that there was only one person in the auto.

Learned DAG on instructions from ASI Amardeep Kaur and after going through the affidavit of Commissioner of Police, Gurgaon accepts that inconsistencies are there.

In these circumstances, without commenting on the merits of the case and keeping in view the period of custody, I deem it appropriate to release the petitioner on regular bail.

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

Petition stands allowed.

December 19, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No