

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

**Crl. Misc. No.M-5979 of 2016 (O&M)
Date of decision : 27.04.2016**

Tarif

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Sunil Pahwa, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Sarfraj Hussain, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.430 dated 04.10.2014, registered under Sections 376, 120-B, 306, 506 IPC (Section 511 IPC deleted later on), Police Station Punhana, District Mewat.

The counsel for the petitioner contends that this is the second petition and first petition was withdrawn. He further states that the petitioner is in custody since 30.10.2014 and the main witnesses have been examined. The counsel contends that the case of the prosecution was that the complainant had made her statement which

was set up as a dying declaration but the doctor was called for his statement and he had stated that he did not attest the statement of Reshma d/o Saddik and later on, the prosecution had given up the witness as unnecessary. Counsel further contends that the alleged incident is said to have taken place in the mosque and it is unbelievable that rape could have been committed there. Counsel contends that the fact was that the complainant's marriage had been fixed with someone but she wanted to marry the petitioner and the wedding was near and she committed suicide.

The complainant and the State counsel have opposed the petition. It was urged that the allegations against the petitioner are serious.

The FSL report available in the police record show that no semen was detected. Main witnesses have been examined. The trial is taking time. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

27.04.2016

sunil

(ANITA CHAUDHRY)
JUDGE