

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

CRM-M-36382-2017 (O&M)
Date of decision : 08.11.2017

Pawan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Baljinder Kaur.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.52 dated 02.07.2016, registered under Sections 376 and 506 of the Indian Penal Code, at P.S. Women, Ambala.

Contents that the petitioner has been falsely implicated in the instant case. In fact, the petitioner and the prosecutrix had friendly terms. When the family members of the prosecutrix came to know about their relationship, they pressurized the prosecutrix to call the petitioner at the tubewell of one Gorkha. When the petitioner reached the spot, he was given merciless beatings by the husband of the prosecutrix and others. In support of his assertions, learned counsel has placed reliance on the MLR (Annexure P-3) carried out on the petitioner. The petitioner is in custody since 07.09.2016 and nothing is to be recovered from him.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that the petitioner had been sexually abusing the prosecutrix for the last three months. The trial is in progress and out of 21 prosecution witnesses, 15

stand examined. On the date of last incident, the petitioner was apprehended at the spot by the husband and co-villagers and therefore, he was given beatings.

Heard.

Considering the facts that the petitioner is in custody since 07.09.2016, the complainant stands examined and six witnesses are yet to be examined, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

08.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No