

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

**CRM-M-41228-2017
Date of decision: 13.11.2017**

Abhinav @ Abhimanyu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Dhiman, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 60 dated 14.03.2017, under Sections 354, 452 and 506 of the IPC (Section 376 IPC added later on), registered at Police Station Sadar Gohana, District Sonapat.

It is contended by learned counsel for the petitioner that as per Annexure P-1, which is a complaint dated 14.03.2017, the prosecutrix had stated that the accused-petitioner had entered into her house and caught hold of her mouth and started eve teasing and when she made a noise, her husband woke up and switched on the light and the petitioner was caught on the spot. Thereafter, she made an improvement in her statement by alleging rape as well. It is argued that the husband of the prosecutrix has already suffered a statement that no such incident took place. It is submitted that the prosecutrix has made a material improvement in both of her statements that have been recorded. It is contended that the petitioner has been falsely

implicated in this case and he has been in judicial custody from March, 2017.

Ms. Gaganpreet Kaur, AAG, Haryana, has appeared on behalf of respondent-State and contested the bail application. She does not dispute the fact that the husband of the prosecutrix has not supported the prosecution version.

I have heard learned counsel for the parties.

Since the petitioner is in custody from March, 2017 and the trial is likely to take some time, no useful purpose would be served in keeping him in custody furthermore. Hence, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

13.11.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No