

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

Criminal Misc. No.M- 13469 of 2018(O&M)

Date of Decision: May 31 , 2018.

Ravinder @ Ravinder Sheokand

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.141 dated 16.06.2017 under Sections 376/452/506 IPC, registered at Police Station Narwana Sadar.

It is submitted that the petitioner has been falsely implicated in this case due to the quarrels which took place between the prosecutrix and sister-in-law (Bhabhi) of the petitioner. Both of them are Anganwadi workers. It is further submitted that different versions have been put forth by the prosecutrix in

respect to the incident which allegedly took place on 04.05.2017. As per allegations in the FIR, the petitioner managed to enter the house of the prosecutrix on 04.05.2017 and co-accused Kavita wife of Devender facilitated the petitioner. It is submitted that the said Kavita was found innocent during investigation and has not been proceeded against. The petitioner is alleged to have committed rape upon the prosecutrix within the premises of her house, where she is residing alongwith her two children. It is further submitted that Kalandra under Sections 107/151 Cr.P.C. was presented on 11.05.2015 in respect to the said incident. Reference is made to Annexure P4 while submitting that during enquiry it was found that hot words were exchanged between the ladies for Anganwadi items. No truth was found in the allegations raised by the prosecutrix regarding the petitioner alongwith Kavita having entered her house and indulging in any obscene activities or causing any injury leave alone commit rape.

Learned counsel for the petitioner further submits that the abovesaid FIR was registered on 16.06.2017 after an unexplained delay of more than one month and twelve days. The prosecutrix in her statement recorded under Section 164 Cr.P.C. improved her version (Annexure P3). Her medical examination was conducted at a much belated stage on 18.06.2017, therefore the same cannot be of much relevance in respect to the incident alleged to have occurred on 04.05.2017. It is further submitted that the prosecutrix has since testified before the learned trial court. She has further improved her version. The variant statements given by the prosecutrix clearly falsify the case of the prosecution against the petitioner.

Learned counsel submits that the petitioner himself is a married person having one child. The petitioner, it is submitted, is in custody since 25.06.2017 and is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. He further undertakes not to even visit the village in which the prosecutrix is residing during the pendency of trial. It is thus prayed that this petition be allowed.

Learned counsel for the State submits that the prosecutrix while deposing before the learned trial court has supported the prosecution version. It is however not denied that in respect to the incident which took place on 04.05.2017, proceedings under Sections 107/151 Cr.P.C. were initiated. FIR in this case was registered on 16.06.2017 and medical examination of the prosecutrix was conducted on 18.06.2017. The petitioner is not reported to be involved in any other criminal case. It is submitted that eleven prosecutrix witnesses are yet to be examined in this case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court. The petitioner would further abide by his undertaking of not residing/visiting the village of the prosecutrix during the pendency of the trial.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 31 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No