

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

CRM-M-42444-2018 (O&M)

Date of Decision: 08.10.2018

Deepak

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner(s).

Mr. Tanuj Sharma, A.A.G., Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.221 dated 03.08.2018 registered under Sections 354, 365, 511/34 IPC and 3(1)(xi) of SC/ST Act, 1989 at Police Station Kunjpura, District Karnal.

Learned counsel for the petitioner contends that the petitioner is in custody since 05.08.2018 and challan has been presented and there were no allegation under Section 3 of SC/ST Act. Counsel further submits that the complainant has been changing her statement and when they appeared before the Court, on being summoned while hearing the bail application, new allegations were made and in the statement made under Section 164 Cr.P.C., they have only stated that the accused were making obscene signs. Counsel states that there was no allegation that they were forced to sit in the car and the petitioner lives in different village.

A copy of the statement recorded under Section 164 Cr.P.C. has been placed on record, in which the victim had only stated that the accused were making obscene signs. No allegations were made that any attempt was made to make them sit in the car. When the victims were summoned under Section 15(A)(3) of the SC/ST Act, they gave a different account that their *dupatta* was pulled and one of the accused put his hand on her back. The trial Court will have to see which statement has to be accepted.

Investigation is over. The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate on the condition that the petitioner would not contact the victim or the complainant or tamper with the evidence.

October 08, 2018*ps-I***(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No