

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

Criminal Misc. No.M- 48892 of 2017(O&M)

Date of Decision: March 06 , 2018.

Sita Ram PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amardeep Sheoran, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Vijay Sangwan, Advocate
for the complainant.

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.132 dated 08.08.2017 under Sections 376/342/506 IPC, registered at Police Station Satnali, District Mahendergarh.

It is submitted that the petitioner has been falsely implicated in this case. As per the allegations in the FIR, the complainant, a married lady stated that when she was going for taking fodder, the present petitioner came out of his house, caught hold of her, dragged her inside his house and committed rape upon

her. He thereafter threatened her not to reveal this incident to any one otherwise he would kill her husband as well as her children. The matter was reported immediately and action against the petitioner was prayed for.

Learned counsel for the petitioner vehemently argues that it is highly improbable that the incident could have taken place during day time as alleged. The petitioner's parents, wife and children are living alongwith him in the house. It is opposed to all logic that none would have heard the prosecutrix and come to her rescue. Moreover, the complainant had earlier also filed a complaint alleging the commission of offence punishable under Section 354 IPC against one Naresh Kumar. She had thereafter compromised the matter with him. While referring to the testimony of the complainant before the learned trial court, it is submitted that she has admitted the said complaint against Naresh Kumar, her neighbour. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Photocopies of the statements of the prosecutrix and her husband, produced in Court today, are taken on record subject to just exceptions.

Learned counsel for the State as well as the complainant are unable to deny that the complainant as well as her husband have since deposed before the learned trial court. It is further not denied that there are no external injuries on the person of the complainant/prosecutrix to corroborate her version of being dragged by the petitioner.

Learned counsel for the State, on instructions from SI Kuldeep, verifies that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future. Testimony of the complainant

and her husband has been recorded before the learned trial court. 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.

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.

March 06 , 2018.
'om'

(**LISA GILL**)
JUDGE

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