

205

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-6020-2018

Date of decision-21.02.2018

Sunil

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Suneel Ranga, Advocate for the petitioner.

Mr. R.S.Sidhu, AAG, Haryana assisted by  
ASI Rakesh Kumar.

Mr. Chirag Kundu, Advocate for the complainant.

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**JITENDRA CHAUHAN, J. (Oral)**

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.647 dated 24.09.2016, registered under Sections 365 and 376-D of the Indian Penal Code at Police Station Kalanaur, District Rohtak.

Learned counsel refers to Annexure P-2 which is the basis of the FIR to contend that the petitioner has been shown to travel to the house of the victim in a white coloured Alto car along with five persons. She was forcibly administered beer and allegedly rape was committed upon her. After some time on the same date another statement Annexure P-3 was made by her wherein she changed the entire version and named the petitioner alone. Learned counsel further refers to Annexure P-4, statement of PW-1, namely,

Ms. Jyoti Solanki, Advocate who has stated that at the relevant time, the prosecutrix was not inclined to record the statement against the petitioner and family members of the victim forced her to make statement against the petitioner. Lastly, he submits that all material witnesses have been examined and the petitioner is in custody since 24.09.2016.

On the other hand, the learned State counsel opposes the prayer of bail. She submits that the petitioner has been named in both the statements and both the version pertains to the same incident.

Learned counsel for the complainant states that the prosecutrix could not withstand the ignominy and committed suicide. However, he submits that she did not leave any suicide note.

I have heard learned counsel for the parties and perused the record.

Considering the fact that there are absolutely two different versions which were narrated by the prosecutrix coupled with the statement of PW-1; the fact that victim was not inclined to record statement against the petitioner and that all material witnesses have been examined. This is a fresh circumstance in favour of the petitioner. The trial is not likely to be concluded in the near future; 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 his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an

expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)  
JUDGE

21.02.2018

vanita

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