

221.

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

CRM-M-10760-2019

Date of decision:30.04.2019

MANOJ KUMAR @ CHARAN

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Verma, Advocate, for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in FIR No.131 dated 15.12.2018 registered under Sections 342/376/506 of IPC at Women Police Station, Rewari.

Counsel for the petitioner has argued that in fact the petitioner has to take a sum of Rs.2 lakhs from Amarjeet Singh who is live-in partner of the complainant and since the petitioner has asked for that amount, he has been falsely implicated in the case. He states that though in the FIR there is allegation that on 10.12.2018 at about 8.30/9.00 PM, the petitioner did wrong act with the complainant i.e. rape and the complainant and Amarjeet Singh were kept in captivity, but in her statement under Section 164 Cr.P.C., the complainant has nowhere stated that she was kept in captivity. He further states that the prosecutrix was medico legally examined and as per the FSL report, semen could not be detected on exhibit-1a(slide) & exhibit-

1b(swab). The petitioner is in custody since 16.12.2018 and trial in the case will take sufficient long time.

Learned State counsel, on instructions from ASI Suman Lata, does not dispute the submissions made on behalf of the petitioner.

I have heard learned counsel for the parties.

Apart from the fact that the laboratory examination does suggest that the semen could not be detected on the exhibit-1a(slide) & exhibit-1b(swab), there is a variation in the statement of the prosecutrix in the initial version on the basis of which, FIR was registered, and the statement under Section 164 Cr.P.C. In FIR, it has been alleged that the complainant and Amarjeet Singh were kept in captivity, but in statement under Section 164 Cr.P.C., there is no such reference.

In view of above, without making any observation on the merits of the case and considering the fact that the petitioner is in custody since 16.12.2018, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not influence the witnesses directly or indirectly and in case, he extends any threat and influence any witness in any manner, the prosecution shall be at liberty to seek cancellation of his bail

(HARI PAL VERMA)
JUDGE

30.04.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No