

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

**CRM M-12877 of 2019
Date of Decision: March 27, 2019**

Vikram SinghPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. R.A. Sheoran, Advocate
for the petitioner.

Ms. Dimple Jain, Asstt. A.G., Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 66 dated 10.05.2018 under Sections 376(D)/452/406/34 IPC registered at Police Station Women, Mahendergarh.

The allegations against petitioner Vikram Singh have been levelled by a married lady aged around 27 years. It is alleged that on 02.03.2018 around 11.00 p.m., while she was in her house sleeping with her three year old child, accused/petitioner Vikram Singh (also referred to as Vikram) alongwith co-accused-non-applicant Rinkoo

(since found innocent) entered the house and committed rape upon her. It was upon her statement, the FIR was got registered on 10.05.2018 leading to arrest of the petitioner on 26.06.2018.

Mr. R.A. Sheoran, learned counsel for the petitioner contends that there is inordinate delay in reporting the matter to the police. There is no medical evidence to support the allegations much less any corroboration and has sought to rake up the plea that it was at the instance of Rinkoo, the petitioner has been falsely implicated on account of jealousy and rivalry and that the petitioner is behind the bars since long.

Ms. Dimple Jain, Asstt. A.G., Haryana assisted by ASI Sanju, Police Station Women Narnaul though does not displace the facts highlighted in the submissions of the counsel for the petitioner but has stoutly opposed the grant of bail on the grounds of seriousness of allegations and heinousness of offence.

It is the own stand of the prosecution that it is after more than two months and seven days, FIR has been got registered. It is not the stand of the prosecution that the matter was earlier reported to the police on account of their non-action which has resulted in this. To the specific query of the Court, the learned State counsel accedes that neither there is any corroborative evidence by way of medical evidence injury marks, torn clothes nor eye witness account to this. Thus, a debatable issue arises as to the very commission of offence of

rape. The petitioner is behind the bars since long and investigations and the trial of the case are not likely to be concluded in near future, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 27, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No