

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

CRM-M-13831-2019

Date of decision:9.12.2019

FARIYAD @ POLLA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.97 dated 31.8.2018 under Sections 328, 376-D, 452, 120-B of Indian Penal Code, 1860 registered at Police Station Women, District Panipat.
2. The FIR was lodged at the instance of victim wherein it has been alleged that when on the intervening night of 30/31.8.2018 she was sleeping along with other members of her family then suddenly Polla (petitioner), Avesh and Masrula, of their village entered into their house and made her smell some intoxicating substance and took her to another room, where they committed rape upon her and also clicked her photographs. It is

further alleged therein that subsequently she became unconscious and upon regaining consciousness she disclosed about the incident to other members of her family.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that when the statement of prosecutrix was recorded in terms of 164 Cr.P.C. she did not state in unambiguous terms that she had been raped and simply stated that accused had misbehaved with her.
4. Opposing the petition, learned State counsel has submitted that since the complainant in her statement recorded during the proceedings of the trial, categorically stated that she has been raped by the accused, no case for grant of bail is made out. It has further been informed that although FSL report has been received as per which spermatozoa was not detected but the final opinion of the Doctor is still awaited. It has further been informed that 6 PWs out of cited 23 PWs have already been examined including the prosecutrix and that as on date the petitioner has been in custody since the last more than one year.
5. Having considered rival contentions addressed before this Court and bearing in mind that the prosecutrix has already been examined and the petitioner has been behind bars since last more than 1 year and conclusion of trial, in its normal course, is likely to take some time as substantial number of PWs are yet to be examined, further detention of the petitioner would not serve any fruitful purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial
Magistrate/Duty Magistrate, concerned.

9.12.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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