

220.

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

CRM-M-17901-2019

Date of decision:29.04.2019

RAKESH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepender Singh, 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 case FIR No.124 dated 22.12.2018 registered under Sections 323, 342, 376, 506, 511 IPC (Section 511 IPC was deleted lateron) at Women Police Station, District Faridabad.

Counsel for the petitioner states that bare perusal of the FIR does show that there is no allegation of rape having been committed upon the prosecutrix. Even on the basis of FIR, she was medico legally examined and rape was not established, though injuries under Section 323 IPC were found on the person of the complainant. Petitioner is in custody since 22.12.2018 and the trial in the case will take sufficient long time.

Learned State counsel, on instructions from ASI Kalu Ram, states that the petitioner took the complainant in his shop where he put the shutter of the shop down and thereafter after having served with tea and

omelette, he raped her.

I have heard learned counsel for the parties.

Considering the fact that the complainant was medico legally examined in the case and though injuries on her person were found in the report, but no semen was detected, this Court deems it appropriate to admit the petitioner on bail, as his culpability is yet to be established during trial.

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 extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

29.04.2019

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