

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

214

CRM-M-20354-2019

Date of Decision:16.07.2019

Sri Om

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Nirmal Singh, Advocate,  
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

\*\*\*\*

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.148 dated 24.03.2018 under Sections 363, 366, 376-D, 506, 34 IPC, registered at Police Station Safidon, District Jind.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the case. The allegations against the petitioner and co-accused are that they have enticed away the prosecutrix along with Rs.60,000/- and some ornaments and thereafter, committed rape one by one near HUDA land situated near the by-pass. When the prosecutrix threatened them that she will disclose this fact before her family members, the petitioner and co-accused started beating her mercilessly and threatened to burn her with oil. They also threatened to eliminate the complainant and

since 10.12.2018. The prosecutrix was in friendship with co-accused Sanju. There is no medical report to establish that rape was ever committed upon the prosecutrix. The FIR No.149 dated 24.03.2018 has been registered at the behest of the petitioner, wherein father of the prosecutrix and her three brothers are accused. The petitioner was given injury and in FIR No.149 dated 24.03.2018 under Sections 323, 34, 506 IPC, the offence punishable under Section 325 IPC was also added in the case.

Learned State Counsel does not dispute the custody period. However, she states that co-accused Sanju is already PO in the case and the prosecutrix is yet to be examined and the case is now fixed for 19.08.2019 before the trial Court. Therefore, petitioner is not entitled to be released on bail. In the event of grant of bail, he may influence the witnesses.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 10.12.2018 and co-accused Sanju is already PO and trial in the case is not likely to be concluded in the near future. Moreover, no medical evidence has been produced on record, so as to establish the very factum of rape having been committed upon the person of the prosecutrix. Thus, the culpability of the petitioner is yet to be established during the course of trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, lest it may prejudice the case of either of the parties and without commenting anything on merits of the case, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the

case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

**July 16, 2019**  
seema

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No