

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

CRM-M-22076-2019

Date of decision: 28.11.2019

UDESH @ UDAI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. J.P. Jangu, 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.213 dated 30.4.2018 under Sections 452, 506, 376(2) (n) IPC and Section 6 of POCSO Act at Police Station Sadar, District Rohtak.
2. The FIR was lodged at the instance of victim wherein it has been alleged that the petitioner is known to their family and he often used to visit them in the village. It is alleged that on 6.1.2018, the petitioner entered her house and raped her but she did not disclose the incident to anybody as she was threatened that in case she disclose about the incident to anybody he would defame her and other members of the family. It is alleged that he again entered in the house on 10.3.2018 and repeated the act and again

threatened her that in case she discloses about the incident to anybody, he would kill her.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that the FIR was lodged after about 51 days of the alleged occurrence i.e. on 10.3.2018 wherein another occurrence on January, 2018 is also mentioned, which clearly shows that the FIR has been lodged after consultations.
4. Learned counsel for the petitioner has further submitted that the victim carried some wrong impression that the petitioner had played some negative role in breaking her engagement and that her marriage could not be solemnized on account of negative role played by petitioner. Learned counsel has submitted that the victim has categorically stated regarding the said fact when her statement under Section 164 Cr.P.C. was recorded.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner has been specifically named in the FIR and in fact even in her statement recorded under Section 164 Cr.P.C., the prosecutrix has stated that the petitioner had established physical relations with her, no case for grant of regular bail is made out. It has however, been informed that the petitioner has been behind bars since last 1 ½ years and till date only 11 PWs out of cited 16 PWs have been examined.
6. Having considered rival contentions addressed before this Court and while refraining from making any expression as regards merits of the case or as regards the plea raised by the petitioner with regard to delay in

lodging FIR and while noticing that the petitioner has been behind bars since last 1 ½ years and that the prosecutrix has already stand examined, further detention of the petitioner will not serve any purpose as the conclusion of trial, in its normal course, is likely to take some time. 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.

(GURVINDER SINGH GILL)
JUDGE

28.11.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No