

222.

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

CRM-M-23514-2019

Date of decision:28.05.2019

RAM TYAGI

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Parminder 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 in case FIR No.21 dated 15.01.2019 registered under Section 376-D IPC and Section 67 of I.T. Act, 2008 at Police Station Indri, District Karnal.

. As per the FIR, the allegation against the petitioner is that he along with other two accused allured the village girl, took her to a deserted place, raped her and videographed. The videography was circulated, in which, the petitioner is visible committing rape upon the victim.

Counsel for the petitioner states that the petitioner is in custody since 21.01.2019. The petitioner has falsely been implicated in the case as he contested the election against the son of Ex.-Sarpanch. He further states that present is a case where neither the victim has come forward nor her medical was conducted and in the absence of such material discrepancy, the chances of conviction are bleak. The case of the prosecution is bound to forge. The petitioner has been booked in the case because of political consideration.

The co-accused Kuldeep @ Tony has been admitted on bail by this Court in ***CRM-M-18371-2019*** titled as ***Kuldeep @ Tony Versus State of Haryana and another***, vide order dated 13.05.2019.

Learned State counsel, on instructions from SI Hari Kishan, states that the recorded videography has been sent for FSL and the report is likely to take some time. However, she is fair enough to submit that the whereabouts of the victim are not known.

I have heard learned counsel for the parties.

Considering the fact that the co-accused has already been admitted on bail by this court in ***CRM-M-18371-2019 (supra)*** and the petitioner is in custody since 21.01.2019, the trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

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

28.05.2019

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No