

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32809-2019 (O&M)
Date of Decision:-5.12.2019

Ram Karan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shobit Phutela, Advocate and
Mr. Shubhnit Hans, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.117 dated 15.3.2019 at Police Station Shahbad, District Kurukshetra under Sections 376 and 506 of Indian Penal Code.
2. The FIR was lodged at the instance of the prosecutrix aged 40 years, wherein it has been alleged that her brother Gulab Singh called her and told her that a renowned '*Tantrik*' by the name of Ramkaran is there at Mohra at Village Chhorpur, District Ambala and who is able to solve the problems of '*Pitra Dosha*' and other issues. It is alleged that on 14.3.2019, the prosecutrix alongwith her husband accompanied by her husband's brother Gulab Singh

and another of his friend Deepa went to Village Chhorpur, District Ambala where they met Tantrik Ramkaran. Said Ramkaran told the complainant's husband, his brother and his friend to sit outside while he took the complainant alongwith him to a room while stating that a '*Pooja*' is to be performed and closed the door of the room. It is alleged that thereafter the Tantrik gave some carom seeds (*ajwain*) and removed her clothes and attempted to establish physical relations.

3. The 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 the prosecutrix was recorded in terms of Section 164 Cr.P.C. she went about to improve her version and stated that she had been raped by the petitioner, whereas in the FIR the allegations were only in respect of an attempt to rape. The learned counsel has further submitted that keeping in view the fact that the petitioner is aged about 68 years, it is highly unlikely that the alleged offences would have been committed by the petitioner.
4. Opposing the petition, the learned State counsel has submitted that since specific and categoric allegations have been levelled in the FIR and the prosecutrix in her statement recorded under Section 164 Cr.P.C. has stated in unambiguous terms that she had been raped by the petitioner, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 9 months and that as on date only 4 PWs out of the cited 21 PWs have been examined.
5. I have considered rival submissions addressed before this Court.

6. Without expressing anything as regards merits of the case and while keeping in view the age of the petitioner, who is stated to be aged about 68 years, and the fact that he has been behind bars since the last about 9 months and till date only 4 PWs out of the cited 21 PWs have been examined, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

5.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No