

225     IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-34866-2019

Date of Decision : 30.08.2019

Harwinder Singh alias Binda

.....Petitioner

Versus

State of Punjab

..... Respondent

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CORAM : HON'BLE MR. JUSTICE HARI PAL VERMA

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Present :     Mr.Amit Dhawan, Advocate for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

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**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 case FIR No.108 dated 08.06.2019, registered under sections 376,506 IPC, at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner has referred to the statement of the prosecutrix recorded under Section 164 Cr.P.C. wherein she has stated that she got the false case registered against the petitioner and now she has realised her fault.

Learned State counsel does not dispute this fact.

I have heard learned counsel for the parties.

For the sake of reference, the statement of prosecutrix recorded under Section 164 Cr.P.C.is reproduced as under:-

*“It is stated that my son was sent abroad through Harvinder Singh. We had given the entire amount despite this, he started harassing us. We kept on facing the same for one year. Later on, I discussed with ladies of the village and in order to*

*implicate him, I got registered a false case of rape against him. Now we have realised our fault. In addition to this, I do not want to say anything more.”*

Considering the fact that the prosecutrix has not supported her version in the FIR and has proceeded to withdraw the allegations levelled by her through her statement recorded under Section 164 Cr.P.C., this Court is of the view that the petitioner deserves to be admitted to bail.

Therefore, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

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

**30.08.2019**  
**sunita**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No