

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

CRM-M-40677-2019 (O&M)
Date of decision:6.11.2019

Prince Pal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

CRM-33554-2019

In view of the reasons mentioned in the application, the same is allowed and statement under Section 164 Cr.P.C. and supplementary statement are taken on record as Annexures P-3 & P-4 subject to all just exceptions.

Main Case

1. The petitioner seeks grant of regular bail in case registered vide FIR No.308 dated 1.7.2019 under Sections 376, 506, 452 IPC registered at

Police Station Shahbad, District Kurukshetra.

2. The FIR was lodged at the instance of the victim wherein it has been alleged that her husband has gone abroad and that she has two children from the wedlock. It is alleged that about 1 year back, petitioner-Prince Pal committed rape upon her and when she opposed, he issued threat to kill the victim as well as her family and on account of which she did not disclose about the incident to anybody.
3. Learned counsel for the petitioner submitted that a false case has been registered against the petitioner and falsity of the case would be evident when the petitioner being matured married lady chose to remain silent for about one year after the incident, as the FIR has been lodged after one year of the incident. Learned counsel has further submitted that in the supplementary statement, Annexure P-4, she has disclosed the date of incident as 15.1.2018, which is rather inconsistent with the version unfolded in the FIR as per which, the date of incident is somewhere around July, 2018.
4. Learned State counsel while opposing the petition has submitted that the petitioner is specifically named in the FIR and since specific allegations have been levelled against him, no case for grant of bail is made out. It has however been informed that investigation is complete and challan has already been presented.
5. I have considered rival submissions addressed before this Court. It remains unexplained as to why the prosecutrix who is matured lady chose to remain silent for one year from alleged rape. Without making any

expression on the merits of the case and while bearing in mind that the petitioner has been behind bars since last about 4 months and challan has also been presented, further detention of the petitioner would not serve any purpose. 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.

6.11.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**