

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

CRM-M-43075-2019 (O&M)
Date of Decision:-17.10.2019

Balraj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Khandelwal, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by SI Rajbir Singh.

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.12 dated 14.1.2019 at Police Station Uchana, Jind under Sections 376(2)N, 376-D, 506 and 34 of Indian Penal Code, wherein offence under Sections 376-D and 34 of IPC was deleted later on.
2. The FIR was lodged at the instance of the prosecutrix, wherein she alleged that she alongwith her husband were residing at the poultry farm of Balraj, where her husband was working. It is alleged that while they were residing at the said poultry farm, she was raped by Manish, Sombir and Balraj.
3. The learned counsel for the petitioner has submitted that the FIR came to be lodged falsely and that the prosecutrix, when examined during the

proceedings of trial, has categorically stated that the accused present in the Court had never committed rape upon her. The learned counsel in this regard has referred to the statements annexed with the petition as Annexure P-1.

4. The aforesaid position is not disputed by the learned State counsel, who has sought instructions from SI Rajbir Singh, who is present in Court.
5. In view of the fact that the petitioner has been behind bars since the last more than 9 months and that the the prosecutrix has virtually given a clean-chit to the accused, 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 the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No