

226.

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

CRM-M-45788-2019

Date of decision: 31.10.2019

PARVEEN

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Kumar Jain, 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.316 dated 25.10.2018 registered under Sections 306/376/452 of IPC at Police Station Khol, District Rewari.

The aforesaid FIR has been registered at the behest of Raj Kumar, brother of Rakesh who committed suicide on 25.10.2018. As per the FIR, for the last few days, Rakesh was under mental tension, because on 17.10.2018, the petitioner entered in the house of his younger brother Sandeep at about 11.00 PM and misbehaved with the ladies and also did wrong act with them. Thereafter, panchayat was convened and when they went to the house of the petitioner, the petitioner, his brother Satish and their mother threatened the complainant to kill Rakesh. Due to this incident,

Rakesh was under depression and as a result thereof, he committed suicide.

Counsel for the petitioner has argued that there is no material to substantiate that the petitioner ever entered the house of the victim and committed the offence of rape. Petitioner is in custody since 26.10.2018. There is no medical evidence to support the case of the prosecution. As per the allegation, the petitioner entered the house of the prosecutrix on 17.10.2018, whereas the present FIR has been registered on 25.10.2018. Similarly, there is no direct allegation against the petitioner that he has instigated the deceased Rakesh to commit suicide in any manner. The trial is not likely to be concluded in future, as against the total 22 witnesses cited by the prosecution, only 2 witnesses have been examined.

Learned State counsel, on instructions from ASI Dinesh Kumar, does not dispute the custody and the fact that there is no medical evidence to substantiate that rape was committed upon the prosecutrix.

I have heard counsel for the parties.

The prosecutrix was medico legally examined after 10 days of the alleged incident. She is a married lady. No external injury has been found on the person of prosecutrix. The culpability of the petitioner is yet to be established during the course of trial, therefore, 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

31.10.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No