

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

**CRM-M-1734-2020
Decided on : 03.02.2020**

Pardeep

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Johan Kumar, Advocate
for the petitioner(s).

Mr. Ashish Sanghi, DAG, Haryana
assisted by ASI Pardeep.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 01, dated 01.01.2019, registered under Sections 323, 344, 376, 506, 34 IPC, registered at Police Station S.G.M. Nagar, Faridabad, District Faridabad.

Learned counsel for the petitioner *inter alia* contends that in the year 2015, an FIR pertaining to the same occurrence was lodged, which was subsequently cancelled by the investigating agency, after recording the statement of the prosecutrix under Section 164 Cr.P.C., before the trial Court, wherein, she did not support the case of the prosecution, hence the cancellation report was filed. However, subsequently, in the year 2019, the instant FIR No.1, dated 01.01.2019, was registered at the instance of prosecutrix pertaining to the same occurrence i.e. of 30th August, 2015, wherein, she stated that she had been under the pressure of the petitioner herein and due to the pressure exerted by him, she resided with him in the rented accommodation in the year 2015, where, repeated rapes were committed upon her, leading to an abortion as well.

Learned counsel for the petitioner further submits that in view of the contradictory stand taken by the prosecutrix and the complainant, it is evident that a false version has been fabricated. It is further submitted that only 08 out of the 15 prosecution witnesses cited, have been examined so far and the petitioner is behind the bars since 28th March, 2019.

Learned State counsel on the other hand while opposing the bail application does not controvert the aforesaid fact. He, however, submits that 12 prosecution witnesses, out of 15 cited, have since been examined. Learned State counsel submits that keeping in view the nature of serious allegations levelled against the petitioner, no case for regular bail is made out.

Heard.

The trial is not likely to conclude in the near future. Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 28th March, 2019, and the star witness i.e. the prosecutrix has already been examined, further detention of the petitioner will not serve any useful purpose. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 03, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No