

234.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2526-2020

Date of decision: 24.01.2020

AMIT

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ram Pal Verma, 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.682 dated 28.12.2017 registered under Sections 323, 498A, 506, 376 of IPC at Police Station Ganaur, District Sonapat.

The aforesaid FIR was registered at the behest of complainant whose marriage was solemnized with Ravi on 22.06.2014. The petitioner is the husband of elder sister of the complainant. The allegation against the petitioner is that he entered the room of the complainant and committed rape upon her.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 19.09.2019, he has been falsely implicated in the case. He was implicated for the reason that he is the real

brother of the husband of the complainant. The alleged occurrence is dated 10.09.2016, whereas the present FIR has been registered on 28.12.2017 i.e. after more than 1 year and 3 months. The complainant has been examined and no such material has been produced before the trial Court as regard the offence so committed.

Learned State counsel does not dispute the custody. She submits that challan in the case was presented on 10.10.2019 and charges were framed on 09.01.2020.

I have heard learned counsel for the parties.

Custody of the petitioner is not in dispute. Though in the FIR, the complainant has made allegations that the petitioner has committed rape on her, but on the same date when the alleged incident has taken place, she was medico legally examined where she has not made any such allegation. In this manner, there being improvement in her version, this Court finds that strict culpability of the petitioner is required to be established during trial. The trial in the case is likely to take long time.

Taking into consideration the custody of the petitioner and the fact that trial will take sufficient long time, 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

24.01.2020
sanjeev

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