

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

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IN VIRTUAL COURT

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**CRM-M No. 3143 of 2020
Date of decision : 2.6.2020**

Rajnish @ Kakku

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Bijender Dhankhar, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 124 dated 22.3.2019, registered under Sections 323, 354B, 376 (2)(n), 450, 452, 506 read with Section 34 IPC, at Police Station Safidon, District Jind.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. The story of alleged rape has been totally manufactured by the prosecutrix. She is already a married lady having 2 children. Otherwise also, the alleged incident is stated to have happened 6 months back. No complaint was ever raised by the prosecutrix. Although, she has asserted that the petitioner was threatening and blackmailing her, however, no evidence to that effect has been collected by the prosecution agency. This assertion has been made by the prosecutrix only to cover up the delay. The counsel has also pointed out that the petitioner is in custody since 4.4.2019. Although, this Court had directed vide order dated 13.1.2020 that the prosecutrix be examined. However, she has not stepped into the Court as a witness. It is further submitted that the prosecution itself has been wavering in its case. Initially, Section 376 IPC was added in the case. However,

subsequently, it was deleted. But again Section 376 IPC has been added just to make the case against the petitioner to be grave. The petitioner is not required for any investigation purposes. Only 2 witnesses have been examined so far out of total 16 witnesses. Hence, the trial is likely to take long time. No useful purpose will be served by keeping the petitioner in jail. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Anmol Malik, AAG, Haryana accepts notice on behalf of the State.

Learned State counsel, on instructions from ASI Rajesh Devi, submits that the petitioner is directly involved in the crime. The complainant in this case is none else than the victim herself. She has categorically deposed that the petitioner was threatening and blackmailing the complainant not to make a complaint and was continuously raping her. However, it is not disputed that the petitioner is in custody since 4.4.2019 and that out of 16, only 2 witnesses have been examined so far. It is also not disputed that earlier in the case Section 376 IPC was deleted, although added once again.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

2.6.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No