

227.

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

CRM-M-6167-2020

Date of decision: 17.02.2020

AMIT

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, 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, pending trial, in case FIR No.110 dated 25.10.2019 registered under Sections 376/506 of IPC at Police Station Women, Manesar, District Gurugram.

Learned counsel for the petitioner has argued that the alleged incident has taken place on 10.10.2019 whereas the present FIR was registered on 25.10.2019. It is in the background of money dispute between the parties, the present FIR has been registered and it is for this reason, husband of the prosecutrix has been summoned in proceedings under Section 138 of Negotiable Instruments Act regarding cheque bounce case. Neither semen was detected on the person of prosecutrix nor any injury was found on her person. Moreover at the relevant time when the alleged incident has taken place even the husband of the prosecutrix was present and only for a short period just to fetch beer, he was absent. In this manner, in such a short span of time, no offence like the present one can be committed.

Learned State counsel states that no doubt the petitioner is in custody since 23.11.2019, but the prosecutrix was forcibly taken by the petitioner in a tin shop, where she was subjected to rape. The matter was reported on 25.10.2019 and medical was conducted, however, no injury was found on her person.

I have heard learned counsel for the parties.

Petitioner is in custody since 23.11.2019. There is no medical evidence to substantiate the allegation of the prosecutrix. The alleged incident has taken place on 10.10.2019, whereas the FIR was registered on 25.10.2019. In this manner, there is inordinate delay in getting the FIR registered. The culpability of the petitioner is yet to be established during trial. Thus, 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

17.02.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No