

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-10304-2020

Date of Decision:28.07.2020

Rajbir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Nikhil K. Chopra, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.811 dated 25.07.2019 under Sections 354-A, 452, 506, 376, 511 IPC, registered at Police Station Sadar, Karnal, District Karnal.

Learned counsel for the petitioner has argued that the petitioner was earlier admitted on anticipatory bail by this Court vide order dated 01.10.2019 passed in CRM-M-42143-2019. However, in the supplementary statement recorded under Section 164 Cr.P.C., offences under Sections 376, 511 IPC were added in the case. As per supplementary statement, petitioner has tried to commit rape upon the prosecutrix. The petition i.e. CRM-M-

42143-2019 filed by the petitioner seeking anticipatory bail was dismissed by this Court vide order dated 21.01.2020 as offence under Sections 376, 511 IPC was added in the case and immediately after dismissal of the aforesaid petition, petitioner was arrested on 21.01.2020 and since then he is in custody. He submits that there are other cases pending between the parties and in this background in the supplementary statement, offences under Sections 376, 511 have been added. He refers to various affidavits attached with the present petition(Annexure P-7)(colly.), wherein the deponents have specifically stated that there is no truth in the allegations made by the prosecutrix and petitioner-Rajbir has not done any wrong with the prosecutrix and he has falsely been implicated in the case.

Learned State Counsel does not dispute the custody period of the petitioner and the fact that there are other litigation pending between the parties.

Heard learned counsel for the parties.

Petitioner was otherwise admitted on anticipatory bail vide order dated 01.10.2019 passed by this Court in CRM-M-42143-2019, but it is for the reason that offences under Sections 376, 511 IPC were added in the case, interim bail granted to the petitioner was dismissed by this Court vide order dated 21.01.2020. In the background of the case when the petitioner is in custody since 21.01.2020, there are other cases pending between the parties and it is on the basis of supplementary statement recorded under Section 164 Cr.P.C., offences under Sections 376, 511 IPC were added in the case, this Court finds that culpability of the petitioner is yet to be established during the course of 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 adequate bail bonds/ surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

July 28, 2020
seema

(HARI PAL VERMA)
JUDGE

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