

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

Criminal Misc.-M No. 13490 of 2020

Date of Decision: June 11, 2020.

Naresh

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner seeks bail pending trial in FIR No.79 dated 24.03.2020 under Sections 323/354/354D/452/506 and 376(2)(n) IPC, registered at Police Station Badhra, District Charkhi Dadri.

It is contended that the petitioner has been falsely implicated in this case. The complainant/prosecutrix, who is a 26 years old married lady, has given vacillating statements at different points of time bringing forth different versions.

Learned counsel for the petitioner submits that as per the prosecution version, information was received on 23.03.2020 at about 11.00 p.m. that the present petitioner was fighting and beating the complainant. It is noted that on receipt of information the police officials reached the spot at village Jagram Bass. The complainant did not record her statement nor gave any application regarding the fight, while submitting that she would give her statement the next day, after understanding the circumstances fully. The next day i.e., on 24.03.2020 the FIR in question was registered on the statement made by the complainant. Even in this statement, it is submitted, there are no allegations of rape being committed by the petitioner. However, in the statement under Section 164 Cr.P.C. the complainant came up with a story of her being ravished by the petitioner in the year 2016 itself. It is argued that it is not possible that the complainant would have kept quiet since 2016 till 2020 without raising any kind of objection. Learned counsel for the petitioner further submits that the petitioner's wife is expecting and there is none to look after her. The petitioner, it is submitted, is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny the different versions which have cropped up. It is, however, submitted that specific allegations have been raised by the complainant in her statement under Section 164 Cr.P.C. Learned counsel for the State, on instructions from SI Veer Singh, verifies that final report under Section 173 Cr.P.C. has since been presented and the petitioner

is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court. The petitioner shall not try to contact or communicate with the prosecutrix.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

June 11 , 2020.
'om'

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No