IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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IN VIRTUAL COURT

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CRM-M No. 15060 of 2020 (O & M)
Date of decision : 21.8.2020

Sonu @ Monu **……Petitioner**

Vs.

State of Haryana **……Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sumit Sangwan, Advocate, for the petitioner

Mr. Arun Beniwal, DAG, Haryana

Rajbir Sehrawat, J. (Oral)

CRM No. 13312 of 2020 :

Allowed as prayed for.

Main Case :

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 103 dated 17.5.2019, registered under Sections 376, 452 and 506 IPC, at Police Station Badhra, District Charkhi Dadri.

It is contended by learned counsel for the petitioner that case against the petitioner is totally concocted. The complainant is habitual of levelling false allegations. The name of the petitioner has been dragged into the case by the complainant only for the reasons that at one stage, the petitioner had helped the husband of the complainant qua some divorce proceedings. Otherwise, the petitioner has nothing to do with the present case. The falsity of the case is exposed by the very fact that the prosecutrix alleged that the

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petitioner was arrested from her house when he had bolted her inside the room, whereas, the record shows that the petitioner was picked up by the police from his own house. Referring to the affidavit filed by the DSP Anil Kumar, the counsel for the petitioner has submitted that even this affidavit testifies to the fact that the petitioner was arrested from his own house and not from the house of the prosecutrix. Still further, it is submitted that the petitioner is in custody for the past about one year and three months. Even the FSL report has not connected the petitioner to the alleged offence of rape. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State counsel, being instructed by ASI Raj Kumar, has submitted that there are specific allegations against the petitioner. The prosecutrix has supported the version given by her in her deposition before the Court as well. However, it is not disputed that the petitioner was arrested from his own house and not from the house of the prosecutrix. It is also not disputed that the petitioner has been in custody for the past about one year and three months.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

21.8.2020
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Speaking/Reasoned : Yes/No
Reportable : Yes/No

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