

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

CRM-M-15896 of 2020.

Decided on:- July 06, 2020.

Rajesh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

\*\*\*\*\*

Present:- Mr. Kunal Dawar, Advocate  
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

**HARI PAL VERMA, J. (Oral)**

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

The petition has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.220 dated 08.11.2019 under Sections 376, 450 and 506 IPC registered at Police Station Women Ballabgarh, District Faridabad.

The aforesaid FIR was registered at the behest of the prosecutrix on the allegation that on 08.11.2019 at about 03.00 A.M. when her husband had gone to drive the vehicle, the petitioner-accused getting an opportunity at about 05.00 A.M. forcibly entered her house and committed rape upon her. However, when she raised an alarm, the petitioner-accused ran away from there and threatened to kill her. When the husband of the prosecutrix came at home, the prosecutrix narrated the incident to him.

Learned counsel for the petitioner has argued that there is a variation in the prosecution version as reflected in the FIR viz. a viz. the statement of the prosecutrix recorded under Section 164 Cr.P.C. As per the statement of the prosecutrix under Section 164 Cr.PC, the petitioner had left home and it is thereafter, she had called her husband after borrowing a phone of her neighbour and then, her husband came back at about 05.30 A.M. Thereafter, her husband had gone to leave the vehicle and came back at about 10-11 A.M. Then efforts were made to find out the accused and when the husband of the prosecutrix and other persons of neighbourhood tried to catch the petitioner-accused, he jumped from the third floor.

He has further argued that the petitioner was arrested in the case after about 3 months of the alleged incident. The petitioner and the prosecutrix were otherwise known to each other as they were working with the same company. The prosecutrix is mother of three children. There is no injury on the person of prosecutrix. Had rape been committed by the petitioner upon the prosecutrix, the injuries would have been caused on her person. There was no forcible entry of the petitioner to the house of the prosecutrix. The petitioner is in custody since 16.03.2020.

Learned State counsel has argued that the allegations against the petitioner are serious. He had followed the prosecutrix initially on 07.11.2019 and thereafter, made a forcible entry in her house on 08.11.2019 at about 05.00 A.M. when her husband was not present there and committed rape upon her. The FSL report has been found positive though the report of DNA is awaited.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 16.03.2020 and there is no injury mark on the person of the prosecutrix and the fact that the husband of the prosecutrix came to know about the incident at about 05.30 A.M. on 08.11.2019 but instead of reporting the matter to the police, he had gone to leave the vehicle and came back at about 10-11 A.M., this Court deems it fit to grant the concession of bail to the petitioner more particularly when the conclusion of trial is likely to take long time.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

**July 06, 2020**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

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