

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

(Proceedings conducted through video Conference)

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CRM-M-16206-2020 (O&M)

Date of decision: 08.07.2020

KULDEEP

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

Kuldeep son of Lekhram accused in FIR No.7 dated 05.01.2020 registered at Police Station City Narnaul, District Mahendergarh for offence punishable under Sections 376 and 506 IPC prays for grant of regular bail, pending trial.

Heard.

Notice of motion to the Advocate General, Haryana.

Ms. Dimple Jain, AAG, Haryana, appears on behalf of State of Haryana.

Counsel for the petitioner would argue that present FIR has been registered on the basis of complaint dated 18.11.2019, made to the police subsequent to lodging of FIR No.567 dated 25.09.2019 registered at Police Station City Narnaul for offence under Sections 384, 406, 419 and 420 IPC against the prosecutrix and Dudaram son of Baktawar Singh. It is further argued that as per proceedings recorded in Police Station City Narnaul (Annexure P3), the prosecutrix did not come forward for recording her statement despite repeated efforts made by the police. It is further argued that even the prosecutrix did not come forward for getting her medical examination to support her allegations for commission of offence of rape. It is vehemently argued that even if the allegations raised in the FIR are taken on its face value, there are no clear and specific allegation with regard to the petitioner having committed rape.

Counsel representing State of Haryana has not disputed that the prosecutrix did not record her statement before the police in view of

allegations raised in the complaint dated 20.11.2019. She did not come forward for getting her medical examination conducted. However, she would state that the prosecutrix recorded her statement under Section 164 Cr.P.C.

The instant FIR has been registered on the basis of complaint dated 20.11.2019 which was made subsequent to lodging of FIR No.567 dated 25.09.2019 against the prosecutrix and one Dudaram. Concededly, the prosecutrix did not come forward for getting her medico legal examination. As per proceedings (Annexure P3), the prosecutrix did not come forward for recording her statement though eventually her statement under Section 164 Cr.P.C. was recorded. In the FIR, no specific time, date or venue of committing rape has been mentioned. On completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take its own time. There is no allegation that petitioner does not have a permanent place of stay or likely to flee from process of justice, in case released on bail.

Without meaning to express any opinion on merits of the case, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial Court/Additional Sessions Judge (on duty), Narnaul. However, he shall abide by the following conditions:-

(i)He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(ii)He shall not leave India without previous permission of the Court.

Disposed of.

08.07.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No