

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

207

CRM-M-19946-2020

Decided on : 11.08.2020

Sachin

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Amitabh Tewari, Advocate for the petitioner (s).

Mr. G.S. Dhillon, AAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in FIR No.187 dated 29.05.2020 under Sections 376, 511, 342 IPC registered at Police Station Kanina, District Mahendergarh.

The FIR was lodged by the victim who is 20 years old. The initial version was that on 29.05.2020 the petitioner had come to her house and started giving abuses and thereafter, started doing illicit acts with her. In the meanwhile her uncle had reached and a quarrel had started between her uncle and Sachin. She submitted that she did not want to get herself medically examined and there was no injury mark on her body.

Thereafter, on 30.05.2020 in the statement recorded under Section 164 Cr.P.C., the allegations were changed that while she was going to the house of her elder uncle, and the petitioner had put his hand on her mouth and took her to a plot, where he tried to rape her. The uncle and his

wife had come and then the petitioner had ran away while submitting that he would abduct her.

On 07.08.2020, the following contention of the counsel for the petitioner was noted:-

“Counsel *inter alia* contends that the victim has taken contradictory stands qua the incident of 29.05.2020. In the initial stand, Section 376/511 IPC was not there and it was added on 30.05.2020 (Annexure P-4) and the statement under Section 164 Cr.P.C. was recorded on 01.06.2020 (Annexure P-5). Reliance is also placed upon affidavits given by the victim and the relative of the said victim. It is pointed out from the photographs (Annexure P-8) that the petitioner and the victim were in a relationship and only on account of the same having been discovered, the petitioner has been falsely implicated and he is in custody since 01.06.2020.

Counsel for the State prays for time to confirm from the I.O. whether the photographs pertain to the petitioner and the victim. Adjourned to 11.08.2020.”

In pursuance of the said order, short affidavit of Mr. Vijay Deswal, HPS, DSP, Kanina, District Mahendergarh has been filed. As per the said affidavit, Sub-Inspector Amardeep posted at Police Station Kanina has gone to verification from the residents of the village, wherein the photographs Annexure P-8 have been verified to be of the petitioner and the victim. One of the persons who verified the photographs is Dhremender who is cousin of the victim, as per Annexure R-2.

Keeping in view the above background and the fact that the victim and the petitioner seem to be in a relationship cannot be outrightly brushed aside, if the photographs are taken into consideration.

Admittedly, she is over 18 years of age and it cannot be discounted she may have made statements against the petitioner on account of her relationship having been discovered with the petitioner by the relatives.

In such circumstances, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Kanina. It is made clear that the observations made herein are only for the purpose of granting bail.

AUGUST 11, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

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