

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

CRM-M-22837-2020

Date of decision:17.11.2020

Maan Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kamal Kant Khera, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.110 dated 12.03.2020 registered under Sections 323,354 and 376 IPC, at Police Station Indri, District Karnal.

Learned counsel for the petitioner states that the complainant, who is his daughter-in-law has levelled totally false allegations against the petitioner. He has drawn the attention of this Court to the order dated 11.02.2020 passed by Additional Civil Judge (Senior Division), Indri, vide which the complainant was granted permission to sell the property of her minor children. He has also drawn the attention of this Court to the agreement to sell dated 22.08.2019 executed between Kanta Devi, wife of the petitioner and Babita, daughter-in-law of the petitioner for herself and the minor children and one Satprakash son of Krishan Lal, to state that the entire property has been sold by the complainant.

Learned State counsel points out that the complainant, who is a widowed lady, her husband having died in a road accident, has levelled specific allegations of rape against the petitioner, who is none other but her father-in-law. Even in her statement recorded under Section 164 Cr.P.C.,

the complainant has maintained her version. He further states that the challan has been presented in this case, but the charges are yet to be framed.

In the cases relating to the offence under Section 376 IPC, the testimony of the prosecutrix is of the most relevance. Admittedly, in the present case, the prosecutrix is yet to be examined. Thus, keeping in view the gravity of offence, if the petitioner is enlarged on bail, the chances of tampering with the evidence or winning over the witnesses, cannot be ruled out.

No case for grant of regular bail is made out.

Dismissed.

17.11.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No