

CRM-M No.30128 of 2020

Date of Decision : 16.10.2020

Vishnu

...Petitioner

Versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

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

Mr. Surender Singh, AAG, Haryana.

Mr. Lokesh Sharma, Advocate for respondent Nos.2 & 3 /
complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.145 dated 22.11.2019, registered under Section 376 IPC at Police Station Women Police Station / (WPS Narnaul), District Mahendergarh, Haryana.

3. Learned counsel contends that the petitioner has been implicated in a false case by the complainant i.e. petitioner's sister-in-law on account of property dispute between the petitioner and his brother i.e. the complainant's husband and despite having levelled allegations of having been raped by the petitioner, the complainant refused to get herself medically examined and now has entered into a compromise with the petitioner, withdrawing the allegations of rape levelled against him.

4. Learned counsel for the petitioner contends it is a fit case for

initiating appropriate proceedings against the complainant for which he reserves his rights. Learned counsel further contends that the petitioner has been in custody since 24.11.2019. Challan has been filed but charges have not been framed. However, investigation is complete, therefore, no useful purpose would be served by keeping the petitioner in custody on account of circumstances prevailing on account of Corona Virus Pandemic.

5. Learned State Counsel, on instructions from *SI Krishna*, does not dispute that the complainant despite having levelled allegations of having been raped by the petitioner, failed to get herself medically examined, besides has entered into a compromise with the petitioner dropping the allegations of the petitioner having raped her as also that the petitioner is in custody since 24.11.2019 and challan has been filed.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, the petitioner is in custody since 24.11.2019. Despite having levelled allegations of the petitioner having raped her, the complainant, refused to get herself medically examined besides entered into a compromise with the petitioner, dropping the allegations of rape levelled against him, as is evident from the affidavit (Annexure P-4) and which is not disputed by learned counsel appearing on behalf of the complainant.

8. Learned counsel for the complainant further states that in view of the compromise, the complainant has no objection, if the petitioner is released on bail.

9. Accordingly, after taking into account all aspects of the matter

petition for regular bail is ***allowed*** and the petitioner-*Vishnu* is ordered to be released on bail during the pendency of trial, subject to his furnishing requisite bail / surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C.

(B.S. Walia)
Judge

October 16, 2020
'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>