

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 30854 of 2020
Date of Decision: 07.10.2020**

Laxman

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 68 dated 08.7.2020 under Sections 323, 376, 511, 506 IPC registered at Police Station Women Central, Faridabad, Haryana.

Learned counsel for the petitioner submits that petitioner is having two brothers, namely, Kamal and Ram and they all are staying with their wives in the double storey house. He further submits that the petitioner along with his brothers are staying on the ground floor of the house and as per the allegations in the FIR, petitioner-Laxman had an evil eye upon the complainant and he came to her room upstairs and tried to commit rape upon her and also gave her beatings. He further submits that on the next day i.e. 09.7.2020, the complainant got recorded her statement before the Legal Aid Counsel by improving her version that her two sisters-in-law, namely

Rajni and Renu collectively gave beatings to her and also abused her.

Learned counsel also submits that thereafter there is another improvement in her statement, recorded under Section 164 Cr.P.C. and as per the said statement, only physical altercation took place between the prosecutrix, Renu-wife of the petitioner and Rajni-wife of Ram and the prosecutrix was examined on 09.7.2020 i.e. after two days of the alleged occurrence and there is no external injury as per the report. Learned counsel further submits that the petitioner has been in custody since 24.7.2020 and challan has already been presented in the Court. In support of his arguments, learned counsel has placed reliance on the judgments passed by the Co-ordinate Benches of this Court in '*Jasbir Singh versus State of Punjab 2012 (6) RCR (Criminal) 1623*' and '*Ranjeet Singh @ Karare versus State of Haryana 2010(9) RCR (Criminal) 600*'.

Learned State counsel, on instructions from ASI Suman, submits that there are serious allegations against the petitioner and there are injuries on the mouth and hand of the complainant. He further submits that challan has been presented in this case and the charges are yet to be framed.

In the present case, initially, the prosecutrix had alleged convert act of rape against the petitioner, who is her brother-in-law (jeth). However, in her subsequent statement recorded under Section 164 Cr.P.C., the prosecutrix has involved her two sisters-in-law, alleging them to have given injuries on her person. Regarding attempt to rape, the attending circumstances do not even *prima-facie*, suggest that the prosecutrix had been subjected to rape. The trial will take time to conclude due to Covid-19 pandemic. No useful purpose, thus, would be served by keeping the petitioner behind the bars and in these circumstances, it would be just and expedient to grant the petitioner concession of bail.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

October 07, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No