

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

**CRM-M No.32822 of 2020 (O&M)
Date of decision : October 26, 2020**

Lala Ram @ Prem Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.PC for grant of bail pending trial in case FIR No.47 dated 22.05.2019, registered under Sections 376(2)(n), 379-A, 452 and 34 IPC, at Police Station Women Police Station, Mahila Thana, Sirsa, District Sirsa.

It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The prosecutrix is a married woman and she has created a fake story just to involve the petitioner in a criminal case. Otherwise, there is nothing even collected during the investigation by the police, which specifically connect the petitioner to the alleged sexual assault committed upon the prosecutrix. The petitioner is in custody since 25.05.2020 and the challan has already been presented. Therefore, the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

Learned State counsel, being instructed by ASI Urmila, has submitted that there are specific allegations against the petitioner. It is further submitted that the recovery of the earring of the prosecutrix has been effected from the petitioner. However, it is not disputed that there is no medical evidence collected during the investigation, which specifically connects the petitioner to the alleged sexual assault committed upon the prosecutrix; except her bald statement. It is also not disputed that the petitioner is in custody since 25.05.2019 and challan has already been presented.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

October 26, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No