

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

210

**CRM-M-35049-2020
Decided on : 05.11.2020**

Pardeep Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Jitender S. Chahal, Advocate
for the petitioner(s).

Mr. Apoorv Garg, DAG, Haryana
assisted by ASI Sanjeev Kumar.

MANJARI NEHRU KAUL, J.

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 133, dated 26.06.2020, under Sections 324, 326 IPC (Section 326 IPC added later on), registered at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner is seeking the concession of regular bail primarily on the following two counts:-

1. The first contention of the learned counsel for the petitioner is that in fact, it was the complainant, who entered the house of the petitioner on 21st June, 2020 at about 8:30 P.M. On entering his house, he tried to outrage the modesty of his wife and commit rape upon her. On a hue & cry raised by the petitioner's wife, he and his mother were attracted to the spot. However, on seeing them, the complainant fled the spot, but not before falling down and injuring himself in the process. It was contended that the petitioner and his wife approached the police

soon thereafter to report the incident, however, they were pressurized to compromise the matter with the complainant. It was only after, he approached the Superintendent of Police, Yamuna Nagar, FIR No. 77, dated 16.07.2020, under Sections 354A, 354C, 376, 342, 506, 509, 511 IPC, was registered against the complainant. It was also contended by the learned counsel that false implication of the petitioner was evident from the fact that the FIR in question was registered against him after four days of the alleged occurrence, which made it abundantly clear that the FIR against him had been registered as a counter-blast to FIR No.77, dated 16.07.2020, under Sections 354A, 354C, 376, 342, 506, 509, 511 IPC, registered on his complaint against the complainant. Not only this, the learned counsel while referring to the injuries sustained by the complainant, submitted that a perusal of the same clearly revealed that the mischief of Section 326 IPC was not attracted.

2. The next contention of the learned counsel for the petitioner is that ever since the arrest of the petitioner on 06th July, 2020, the trial had not been making any process and was being adjourned time and again. It was contended that only challan had been filed and hence, there was no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel on instructions from ASI Sanjeev Kumar, while opposing the prayer and submissions of the learned counsel for the petitioner, has drawn the attention of this Court to the FIR No. 77, dated 16.07.2020, registered against the complainant at the instance

of the petitioner. It has been submitted that a perusal of the same leaves no manner of doubt that the petitioner was trying to create evidence in his defence, as the FIR was registered only on 16th July, 2020 and that too pursuant to a complaint given as late as on the 14th July, 2020 i.e. after one month of the occurrence in question. Learned State counsel has further submitted that the charges were likely to be framed shortly and the trial had not made much progress due to the outbreak of the pandemic COVID-19.

I have heard learned counsel for the parties.

The contention of the learned counsel for the petitioner that the complainant was not assaulted by him, but rather, the injuries received were a result of a fall while fleeing from the house of the petitioner, is bereft of any merit. The MLR, which is annexed as Annexure P-3 *prima facie* reveals that the injuries on his person could not by any stretch of imagination be the result of a fall.

In the circumstances, no ground for grant of concession of regular bail is made out. Dismissed. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 05, 2020

J.Ram

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