

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-6585-2021
Decided on : 02.09.2021

Ram Niwas

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.K.Mutneja, Sr. Advocate with
Mr. Brijesh Kumar, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.206 dated 24.07.2020 registered under Sections 148, 149, 376-D, 380, 427, 452, 454 and 323 IPC,1860 at Police Station Kalayat District Kaithal.

Learned Senior counsel for the petitioner *inter alia* contends that on the face of it, a false and fabricated case has been foisted upon the petitioner on account of a complaint, which was made on 21.07.2020 by a relative of the petitioner alleging that the son of the complainant in the instant case, had attempted to sexually assault her. Learned senior counsel submits that it was in the aforementioned background the prosecutrix with an oblique motive planted the instant case by levelling allegations of sexual assault and rape upon the petitioner and others. He further submits that the false implication of the petitioner finds credence from the FSL report (Annexure P-4) wherein it has been clearly observed that no biological evidence could be detected on any of the case properties, which were sent

for forensic examination. It has also been submitted that the case properties sent to the FSL also included the cot and double bed on which the prosecutrix was allegedly raped. Hence, a prayer has been made for extending the concession of bail to the petitioner as petitioner has been in custody since 26.08.2020.

Per contra, learned State counsel while opposing the prayer of learned senior counsel for the petitioner on instructions from SI Raj Kumar has conceded that a few days prior to the occurrence in question a complaint had indeed been made by a relative of the petitioner against the son of the prosecutrix wherein allegations had been levelled against him of attempting sexual assault etc. She has also not been able to controvert that as per the FSL report no semen was detected on any of the case properties, which were sent for forensic examination.

Heard.

In view of the submissions made by learned senior counsel and the fact that the petitioner has been in custody since 26.08.2020, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

02.09.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No