

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

CRM-M-6831-2021 (O&M)
Decided on : 30.09.2021

Rahul Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, 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.404 dated 17.11.2020 registered under Sections 376(2)(n), 328 and 506 IPC,1860 at Police Station Urban Estate Rohtak District Rohtak.

Learned counsel for the petitioner inter alia contends that false allegations have been levelled by the prosecutrix, aged 19 years, against the petitioner of establishing forcible physical relations with her. He submits that in fact prosecutrix had concocted a false story just to pressurize him to marry her after completion of his training in the Army. He further submits that the real sister of the prosecutrix was married to the real brother of the petitioner and it is thus unbelievable that such an occurrence could have taken place and still further if there had been any grain of truth in the allegations levelled once the said matter had been brought to the notice of both her sister and the brother of the petitioner they would not have taken any action on it. Learned counsel has placed on record the deposition of the

prosecutrix made while stepping into the witness box as PW-1 and submits that no doubt the complainant reiterated the allegations levelled against the petitioner in the FIR in question as well as in her statement recorded under Section 164 Cr.PC but there were material improvements made during the course of her deposition, which indeed created a big question mark about the authenticity of the allegations levelled against him. It has been submitted that the trial is unlikely to conclude in the near future as only one out of 17 prosecution witnesses cited has been examined so far. It has also been submitted that since the material witness i.e. prosecutrix already stands examined, further incarceration of the petitioner would not serve any purpose as he has been in custody since 18.11.2020.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from SI Satish has invited the attention of this Court to the allegations levelled in the FIR wherein it was alleged that after offering her a laced cold-drink, the petitioner committed rape upon the prosecutrix. She further submits that even thereafter on the pretext of marriage, the petitioner had been continuously establishing physical relations with the prosecutrix. She has however, conceded that the prosecutrix is the only material witness in the case in hand and she already stands examined.

Heard and perused the material on record.

In the facts and circumstances enumerated hereinabove, the authenticity of the allegations levelled against the petitioner would be appreciated by the trial court at the appropriate stage. The prosecutrix is the only material witness out of the 17 prosecution witnesses cited, and already

stands examined. There is no likelihood of the trial concluding in the near future. Accordingly, the present petition is allowed. The petitioner be 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

30.09.2021

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