

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9658-2021 (O&M)

Date of Decision:-5.3.2021

Dilbag

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Rajbir.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.283 dated 6.12.2019 at Police Station Sanoli, Panipat under Sections 323, 452, 506 and 376(2)(n) of Indian Penal Code.
2. The FIR was lodged at the instance of the prosecutrix, wherein it is alleged that her marriage was solemnized with Rajeev about 11 years back and that 3 children were born out of the wedlock. However, her brother-in-law (*Jeth*) used to keep an evil eye on her right from the very beginning and had forcibly

committed rape upon her on several occasions. Although, she had made a complaint in respect of the same at Police Station Sanoli, Panipat but to no avail. It is alleged that her brother-in-law (*Jeth*) infact had continued harassing and misbehaving with her and proclaimed that even the police could not cause any harm to him. It is alleged that on 6.12.2019, when she was alone in her house, her brother-in-law Dilbag Singh entered into her house and forcibly committed rape upon her.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and infact it is a case where the complainant/prosecutrix is having some kind of matrimonial discord with her husband and in order to pressurize him the petitioner has been implicated falsely in the instant case. It has further been submitted that infact even on earlier occasion, the complainant had levelled similar allegations and had lodged FIR No.118 dated 26.6.2019 wherein offences under Sections 452, 506 and 376(2) of IPC were alleged to have been committed but upon investigation of the matter the allegations in respect of Section 376(2) of IPC were found to be false and were dropped.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has assaulted the prosecutrix on two occasions, it is evident that he is in the habit of committing offences in question and, as such, does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 10 months and that as on date 2 out of 16 PWs have been examined. Learned State counsel has not disputed the fact that even on earlier occasion, similar allegations had been levelled by the prosecutrix and one FIR had been lodged wherein the allegations of rape were found to be false.

5. I have considered rival submissions addressed before this Court.
6. At this stage, this Court would not like to comment as regards the veracity of allegations lest it may prejudice the case in any manner. In any case, since the petitioner has been behind bars for a substantial period of 10 months and conclusion of trial is likely to consume time as only 2 out of 16 PWs have been examined, further detention of the petitioner will not serve any purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No