

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

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CRM-M-16069-2021 (O&M)

Date of decision: 07.12.2021

Parveen Kumar @ Binnu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manoj Pundir, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana
for the respondent-State.

None for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.139 dated 06.10.2020 lodged under Sections 376 and 506 IPC (Section 376-D IPC was added in place of Section 376 IPC lateron) registered at Police Station Women, Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner submits that false implication of the petitioner in the case in hand has to be appreciated in the background of there being a history of animosity between the parties. Learned counsel submits that much prior to the occurrence in question in the year 2016, an FIR under Section 451 IPC was registered against the petitioner at the instance of the same complainant in which he earned an acquittal. He submits that the petitioner is in custody since 04.11.2020 and further incarceration of the petitioner would be of no

avail as material witnesses already stand examined and there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Amandeep Kaur, has submitted that only 08 prosecution witnesses out of the 14 cited remain to be examined. She has further submitted that there were specific and serious allegations against the petitioner of having committed rape upon the prosecutrix when she went to her field to cut fodder. It has been further submitted that all the material witnesses including the prosecutrix while stepping into the witness box supported the case of the prosecution in its entirety. Learned State counsel has submitted that the next date fixed before the trial Court is 09.12.2021 when the remaining prosecution witnesses are likely to be examined.

I have heard learned counsel for the parties and perused the material placed on record.

Prima facie there are serious and specific allegations levelled against the petitioner of having committed rape upon the prosecutrix during the day time by dragging her into the sugarcane fields. This Court, therefore, is not inclined to extend the concession of bail to the petitioner.

Dismissed.

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.

At this stage, a request has been made by learned counsel

for the petitioner that the learned trial Court be directed to conclude the trial expeditiously as the petitioner has been in custody for more than a year.

The trial Court shall endeavour to expedite the trial and conclude the same preferably within a period of six months from today.

07.12.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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