

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.16724 of 2021 (O&M)

Date of Decision:03.08.2021

(Heard through VC)

Sunny @ Surjeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajesh Sethi, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.149 dated 19.11.2020 under Sections 376 & 451 of IPC registered at Women Police Station Sirsa, District Sirsa.

Counsel for the petitioner herein prays for regular bail to the petitioner by contending that the petitioner has been falsely implicated in the said FIR. It is submitted that the allegations in the FIR pertain to an incident which is supposed to have taken place on 26.10.2020 at about 9 PM in the night. It is alleged that the petitioner herein entered the house of the complainant and committed rape with her while alluring her on the pretext of solemnizing a marriage. It is further alleged that the petitioner was already married and therefore, false promise had been given to her.

Reliance has been placed upon Kalendra under Section 107/151 Cr.P.C. which came into effect on 13.11.2020 on a complaint made by the complainant against the petitioner and his wife in which no mention had been made regarding the alleged offence under Section 376 IPC having been taken place on 26.10.2020. Once the petitioner was released on furnishing of bail bonds on 16.11.2020 the instant FIR came to be registered. It is also submitted that the FSL report which reflects semen would not inspire confidence as the sample was taken on 04.01.2021 whereas the incident complained of pertain to 26.10.2020. It is further submitted that there is an inordinate delay in registration of the FIR which is dated 19.11.2020 whereas, incident complained of is dated 26.10.2020. It is further argued that the investigation has been completed and challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the petitioner would also contend that the trial is likely to take some time to conclude as 21 witnesses have been cited. It is further contended that the complainant is an adult and being a married lady is capable of managing her affairs and likelihood of the petitioner herein influencing her would not arise.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, he does not dispute the fact that investigation has been completed and challan stands presented.

I have heard counsel for the parties. Keeping in view the fact that investigation has been completed and challan stands presented, no useful purpose would be served in keeping the petitioner behind bars. The

instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

August 03, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

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