

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

CRM-M-17118-2021 (O&M)
Date of Decision:-29.4.2021

Rajbir Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana,
assisted by ASI Gurpal Singh.

(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 against him vide FIR No.99 dated 5.3.2020 at Police Station City Tohana, District Fatehabad under Sections 376(2)(f) and 506 of Indian Penal Code.
2. The FIR was lodged at the instance of the victim, wherein it is alleged that she was married to Sonu about 7 years back and that on 25.2.2020 when she was alone at home, her brother-in-law namely Rajbir Singh (petitioner) entered her house and tore her clothes and committed rape upon her.
3. Learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstandings between members of the same family

and that infact when the victim was examined during the course of trial, she has not supported the case of the prosecution at all. Learned counsel, in order to hammer forth his aforesaid submission, has referred to the statement of the prosecutrix (Annexure P-5), a perusal of which shows that the victim has categorically stated therein that the petitioner did not commit rape upon her.

4. Opposing the petition, learned State counsel has submitted that since the prosecutrix in the FIR and also in her statement recorded in terms of Section 164 Cr.P.C. has levelled specific allegations against the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars for a substantial period of more than 1 year and while particularly noticing that the victim has resiled from her statement when she was examined during the proceedings of trial, further detention of the petitioner will not serve any useful 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.

29.4.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No