

**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-20039-2021
Decided on : 29.11.2021

Bhinder Singh @ Bhinda

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satbir Gill, Advocate
 for the petitioner.

Ms. Tanushree Gupta, DAG, 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.29 dated 07.07.2020 registered under Sections 376(2)(n), 313, 328, 506/34 IPC, 1860 at Police Station Women Dabwali District Sirsa.

Learned counsel for the petitioner submits that the FIR in question came into being on account of the pressure exerted on the prosecutrix, aged 25 years, by her family members, who were averse to her relationship with the petitioner. It has been submitted that the allegations of rape are totally fabricated and no such occurrence as alleged in the FIR in question, had ever taken place. He has invited the attention of this Court to the deposition of the prosecutrix (Annexure P-6) to contend that the prosecutrix while stepping into the witness box as PW-1 did not support the case of the prosecution as a result of which she was declared hostile. A prayer, therefore, has been made to extend the concession of bail to the petitioner, who has now been in custody since 30.07.2020.

Per contra, learned State counsel while opposing the prayer made by counsel opposite on instructions from ASI Manju has not been able to controvert the factum of the prosecutrix not supporting the case of the prosecution during trial. She has further submitted that 25 out of 26 prosecution witnesses remains to be examined. She, on instructions has further conceded that prosecutrix is the sole material witness in the case in hand.

Heard learned counsel for the parties and perused the material available on record.

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that the trial is unlikely to conclude in the near future, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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

29.11.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No