

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

Sr. No.217

CRM-M-20500-2021

Date of decision: 07.10.2021

Mandeep Bedi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jai Vir Yadav, Senior Advocate with
Ms. Pooja, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.661 dated 10.10.2020, registered under Sections 365, 376, 120-B IPC at Police Station City Yamuna Nagar, District Yamuna Nagar.

The petitioner is being prosecuted for committing rape.

Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case; the prosecutrix, while appearing before the Trial Court as PW-3 has admitted to have known the petitioner for the last 15/16 years and that even after her marriage they were in constant touch as also that she had received no injury during the entire period of 06 days when she was allegedly raped; the prosecutrix has further admitted to the fact that over a period of 06 days she was taken by the petitioner to three different cities/villages in the State of Haryana and that while they were in Jind she visited two hospitals for her treatment but at none of these places did she raise any alarm; in her first statement made to the police, the prosecutrix did not state that she had been raped by the petitioner; PSI Sonia while appearing before the Trial Court as PW-2 stated that when the prosecutrix was recovered by the police she told the police that she had gone with the petitioner as per her own sweet will; all material

witnesses have already been examined before the Trial Court and therefore, the petitioner is not in a position to influence them; the petitioner has been in custody for the last over a one year; there is no other criminal case in which the petitioner is involved and that since 07 prosecution witnesses still remain to be examined, the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has raped the prosecutrix for several days.

The effect of the afore-referred statements made before the Trial Court by the prosecutrix and PW-2- PSI Sonia; the prosecutrix having relations with the petitioner for the last 15/16 years; her constant telephone calls with the petitioner even after her marriage and her not accusing the petitioner at the time when she was initially recovered by the police would be considered during the course of the petitioner's trial. However, the petitioner has been in custody for the last nearly one year; all material witnesses have since been examined before the Trial Court and that in the petitioner's trial since 07 prosecution witnesses still remain to be produced by the State the same is likely to take a long time to conclude.

After considering the entire facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Yamuna Nagar at Jagahri, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

October 07, 2021

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No