

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

**214**

**CRM-M-22311-2021  
Decided on : 29.07.2021**

Moqsud Alam

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**(Through Video Conferencing)**

PRESENT: Mr. Pratham Sethi, Advocate  
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana  
assisted by ASI Seema.

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**MANJARI NEHRU KAUL, J. (Oral)**

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 0024, dated 21.02.2020, under Sections 323, 34, 342, 354-A, 376(2)(n), 451, 506 of IPC, registered at Women Police Station, District Panipat.

Learned counsel for the petitioner submits that a false and fabricated case has been foisted upon him as well as six others. He submits that during investigation, it was found that the allegations levelled against one of the accused were incorrect. He further submits that the case in hand has been foisted upon the petitioner and others on account of a monetary dispute between the prosecutrix and the petitioner, as the former had borrowed Rs. 20,000/- from the latter and was unwilling to repay the same. Learned counsel for the petitioner further submits that the false implication of the petitioner is further fortified from the fact that the prosecutrix refused to get herself medico legally examined subsequent to the registration of the FIR in question. Learned counsel further submits that since the petitioner

has been in custody since 30<sup>th</sup> January, 2021, therefore, he be extended the concession of bail, as 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 learned counsel for the petitioner, on instructions from ASI Seema, has very fairly conceded that one of the accused against whom also allegations of rape were levelled by the prosecutrix was found to be innocent. She has also conceded that the prosecutrix refused to get herself medico legally examined subsequent to the registration of the FIR in question.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 30<sup>th</sup> January, 2021 and there is no likelihood of the trial concluding anytime in the near future, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. 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**

**July 29, 2021**

*J.Ram*

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*