

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

CRM-M No.27606 of 2021 (O&M)

Date of Decision:27.07.2021

(Heard through VC)

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bijender Singh Dhankhar, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioners in FIR No.54 dated 01.02.2021 registered under Sections 294, 354A (ii), 376, 506 IPC, Section 67 of Information Technology Act, 2000 and Section 3 (i)(s)(w) & 3 (2)(VA) of SC/ST Act at Police Station Barwala, District Hisar.

Counsel for the petitioner would contend that petitioner has been falsely implicated in the said matter. It is further contended that the prosecutrix is a married lady having two children and is also doing GNM Course from Jai Mata Nursing College, Banbhora. It is submitted that relationship between the parties was consensual and therefore, Section 376 IPC would not be applicable. It is further submitted that FIR came to be registered after a period of 24 days and there is no medical on record to substantiate the allegations of rape. It is argued that the petitioner has not circulated any nude photographs as alleged in the FIR. Apart from that, the

matter stands investigated and challan has been presented and therefore, the custodial interrogation would no longer be required.

Learned counsel for the respondent-State would oppose grant of regular bail to the petitioner by contending that petitioner herein has been charged with an offence under Section 376 IPC but on asking of this Court, he is not in a position to dispute the fact that there was an inordinate delay of 24 days in registration of FIR and there is no medical on record to substantiate the allegations of rape.

I have heard counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the fact that trial is likely to take some time to conclude, 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.

July 27, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No