

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

228

CRM-2427 of 2021 in/and
CRM-M-23938 of 2020
Date of decision : 16.02.2021

Ravi

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr.R.S.Mamli, Advocate
for the petitioner.
Mr.Dhruv Sheoran, DAG, Haryana.

H.S. Madaan, J. (Oral)

CRM-2427 of 2021

CM is allowed. Document i.e. photocopy of the statement dated 04.01.2021 (Annexure P-5) of the prosecutrix is taken on record subject to all just exceptions.

CRM-M-23938 of 2020

Reply along with annexures filed by the State are taken on record

This petition for regular bail has been filed by petitioner-Ravi, an accused in F.I.R. No. 243 dated 09.09.2019 registered with Police Station City Ratia, District Fatehabad for offences under Sections 324, 342, 376(2) (N), 506 and 34 IPC.

Briefly stated, the facts of the case as per prosecution story are that prosecutrix "J" (name withheld) was married to one Manohar Lal and she gave birth to two children from that wedlock. On account of matrimonial discord, she started living separately from her husband. She entered into live in relationship with the petitioner-accused who was pressurizing her to marry with him but she refused to do so by saying that

first he should seek divorce from his wife. On 07.09.2019 from 9:00 pm to 6:00 am, petitioner-Ravi committed rape upon her and caught her both hands and mouth and started giving beatings and cut her hairs with scissors. He also caused injuries on her person. Mother of the petitioner, one Sagar and Anil along with father of Ravi also cut her hair and gave beating to her. On the statement made by the prosecutrix to the police, formal FIR in the matter was registered. Accused was arrested on 13.12.2019.

On completion of investigation and other formalities, challan against him has since been filed in the court. The petitioner-accused has filed an application for grant of regular bail before the court of Additional and Sessions Judge-cum-Special Judge, Fast Track Court at Fatehabad, however, that application was dismissed vide order dated 10.07.2020. Therefore, he knocked at the doors of this Court seeking for grant of similar relief which has been opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Petitioner is behind bars since 13.12.2019 that is more than one year. Star witness for the prosecution, complainant-prosecutrix has been examined, copy of that statement has been placed on record. She has not supported the story of the prosecution at all. Rather she has referred to the petitioner as her husband and further stated that 3-4 persons came to her house and caused injuries to her and nobody committed rape upon her. She categorically stated that neither the petitioner caused injuries to her nor committed rape upon her. Though she was cross-examined at length on behalf of State but she stuck to her guns. Though the trial is still going on but star witness of the prosecution having turned hostile definitely junk to

the prosecution case. State counsel has informed that out of 19 PWs cited by the prosecution, 2 PWs have been examined so far. In that way conclusion of the trial will take some time.

Considering the facts and circumstances of the case, I am of the opinion that further detention of the petitioner would not serve any useful purpose and the petition deserves to be allowed. Accordingly, the petitioner-Ravi is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Fatehabad subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

[H.S. MADAN]
JUDGE

16.02.2021

sd

Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No