

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31504-2021 (O&M)

Date of decision : 10.09.2021

Vishal

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Amit Singh Sethi, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner has approached this Court praying for grant of regular bail in case FIR No.368 dated 02.07.2020, under Sections 323, 308, 342, 376(2)(n), 506 IPC, registered at Police Station Chandni Bagh, District Panipat.

It has been contended by learned counsel for the petitioner that the FIR in question has been registered by the prosecutrix, who is 21 years of age, and thus, a major. The attention of this Court has been drawn to the FIR wherein, it has been mentioned that the prosecutrix came in contact with the petitioner through Facebook. Thereafter, it has been alleged that she was allured by the petitioner and taken to the village Siwah and subsequently, at number of places by intoxicating her, she had been subjected to forcible intercourse. It has been further alleged that she was

forcibly intimidated and some objectionable videos were also made. Besides other allegations, it is thereafter found that the prosecutrix is married with the petitioner on 18th May, 2020 in Arya Samaj Mandir, Delhi.

Learned counsel for the petitioner vehemently contends that now the mother and the prosecutrix, both are examined before the trial Court and during her examination, she has admitted that earlier she was married with one Kailash Verma in 2015 and she remained in her first matrimonial home for 4 years and thereafter, now the second marriage is with the petitioner. He contends that conduct of the prosecutrix, who is major, is writ large as the allegations are being changed from time to time. She is not a reliable witness and the petitioner has only been made a scapegoat. He contends that the bail application of the petitioner was rejected by learned Additional Sessions Judge primarily on the ground that only examination-in-chief of the prosecutrix and her mother had been conducted, whereas, the cross-examination was pending and the Court found the apprehension projected by the prosecution a genuine one. He submits that both these material witnesses stand examined and there is no such apprehension as pointed out by the prosecution before the trial Court.

The sum and substances of the arguments raised by learned counsel for the petitioner are that no useful purpose would be served by keeping the petitioner behind bars any more.

Mr. Manish Bansal, DAG, Haryana for the State vehemently opposed the contentions raised by counsel for the petitioner and submits that there are categorical allegations against the petitioner. However, he submits that out of 18 prosecution witnesses, 4 have been examined and the material witnesses i.e. prosecutrix and mother also stand examined

completely.

I have heard learned counsel for the parties and perused the record.

Petitioner is behind bars since 19.11.2020. It would not be appropriate by this Court to comment upon the merits of the case. The trial is likely to take some time in its conclusion. However, in the facts and circumstances of the case, I find that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.09.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No