

223 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-32934-2021
Decided on : 10.11.2021

Hemant Verma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Shubreet Kaur, Advocate
 for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.22 dated 06.02.2020 registered under Sections 376 and 506 IPC, 1860 at Police Station Lalru District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that it is essentially a case of consensual relationship between the prosecutrix aged 26 years and the petitioner. Learned counsel for the petitioner submits that the prosecutrix had come up with three different and improved versions within 15 hours of the alleged crime which left no manner of doubt that exaggerated and concocted allegations had been levelled by the prosecutrix against the petitioner. In support of her submissions, she has invited the attention of this Court to the statement of the complainant (Annexure P-3), MLR (Annexure P-2) and FIR (Annexure P-1) wherein the contrary

versions given by the prosecutrix clearly stand reflected.

Learned counsel has specifically invited the attention of this Court to the MLR of the prosecutrix (Annexure P-2), which reveals that there are only minor bruises on the upper portion of her body. She further submits that had it been a case of forcible rape as alleged by the prosecutrix, there would have been some resistance put up by the prosecutrix and she would not have received just minor bruises but many more injuries than those that find reflected in the MLR in question. She has further submitted that the very fact that the clothes which the prosecutrix was allegedly wearing at the time of alleged occurrence were found intact further lends credence to his false implication and creates a dent in the case of the prosecution. She has further urged that since the material witness i.e. prosecutrix has already deposed before the trial Court, further incarceration of the petitioner would not serve any useful purpose and hence, he be extended the concession of bail as he has been in custody since 03.03.2020.

Per contra, learned State counsel while opposing the prayer made by counsel opposite has submitted that the material witness i.e. prosecutrix has supported the case of the prosecution. He, on instructions from ASI Onkar Singh has submitted that 22 prosecution witnesses remain to be examined and the next date of hearing before the trial Court is 29.11.2021 when some more witnesses are likely to be examined.

Heard learned counsel for the parties and perused the material available on record.

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that the petitioner has been in custody

since 03.03.2020, the present petition is allowed as the trial is unlikely to conclude in the near future. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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

10.11.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No