

108.

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

CRM-28358-2021 IN/AND

CRM-M-32548-2021

Date of Decision: 14.09.2021

(Heard through VC)

RATIPAL

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Sanghi, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

CRM-28358-2021

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the main petition, which is otherwise fixed for hearing on 24.11.2021.

For the reasons stated in the application, same is allowed and the hearing of the petition is preponed and the same is taken on board today itself.

CRM-M-32548-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.137, dated 26.05.2021, under Sections 376/511/452 of IPC, registered at Police Station Sadar Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the aforesaid FIR as would be evident from the affidavit that has been furnished by the victim, dated 22.06.2021. It is argued that in the affidavit, the prosecutrix has clearly stated that no such incident had taken place. In fact there was a scuffle and the petitioner herein did not attempt to rape the deponent (prosecutrix). It is only on the asking of the village persons that a complaint was made to the police.

Notice of motion.

At this stage, Ms. Mahima Yashpal, DAG, Haryana, has put in appearance through the medium of video conferencing and accepts notice on behalf of the respondent-State. Mr. J.P. Sharma, Advocate, has also put in appearance on behalf of the complainant and affirms the affidavit so attached with the petition. It is stated that the prosecutrix would have no objection in case regular bail is allowed to the petitioner herein.

I have heard learned counsel for the parties and with their assistance have gone through the affidavit attached with the petition as Annexure P-4.

The petitioner is in custody since 30.05.2021. Since the allegations in the FIR pertaining to an attempt on the part of the petitioner to the offence of rape which now stands negated by the complainant herself, no useful purpose would be served in keeping the petitioner behind the bars. Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and 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.

(JAISHREE THAKUR)
JUDGE

14.09.2021
sanjeev

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