

Sr.No.234

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

CRM-M-33342-2021

Date of decision:20.08.2021

(Heard through VC)

Ramesh Kumar

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J.(Oral)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail in FIR No.185 dated 07.05.2021 under Section 346 IPC (Sections 363, 366, 376(2)(n) and 506 IPC added and Section 346 IPC deleted later on) registered at Police Station City Rewari, District Rewari(Haryana).

Counsel for the petitioner herein prays for regular bail to the petitioner by contending that the medical which was conducted as well as the FSL report do not support any allegation of rape. It is further argued that after the registration of FIR, statement under Section 161 Cr.P.C was recorded in which there is no allegation of rape having been made against

the petitioner. It is only subsequent thereto when a statement was recorded before the Legal Aid representative that an allegation of rape was added and that too after a period of 14 days. Counsel for the petitioner herein would contend that his custody is no longer required since the challan already stands presented.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner. However, he is not able to controvert the fact that MLR does not support the allegation of rape and the fact that the FSL report does not reflect any semen present.

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

Keeping in view the fact that investigation has been completed and challan stands presented, whereas the trial may take 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.

20th August, 2021

Shivani Kaushik

[JAISHREE THAKUR]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No