

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

CRM-M-33927-2020

Date of decision : 14.07.2021

Rakesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Parashar, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.0022 dated 13.02.2020, under Sections 323, 365, 376-D, 506 IPC and Section 67 of IT (Amendment) Act, registered at Women Police Station, District Sonapat.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Even in the statement recorded under Section 164 Cr.P.C., initially, a finger was raised against the petitioner, but in the same breath, the complainant stated that the petitioner had not committed any rape upon her. Learned counsel for the petitioner further states that FSL report has been received, but no semen was detected therein.

It has also been pointed out that now at this stage, complainant and her mother Suman had appeared as PW-2 and P-3 respectively, but both of them have resiled from their earlier statements.

On the other hand, learned State counsel submits that there are specific allegations of rape against the petitioner, but has not disputed the fact that now the complainant and her mother while appearing as PW-2 and PW-3 resiled from their earlier statements.

The petitioner has been in custody since 14.02.2020. Since the complainant as well as her mother have resiled and trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

14.07.2021
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No