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

**CRM-M No.38144 of 2020(O&M)
Date of Decision: 09.03.2021**

Manjeet @ Monu

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Raj Kishore, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0309 dated 21.07.2020 registered under Sections 323, 498-A, 342, 354, 376, 506 and 34 IPC at Police Station Gannaur, District Sonipat.

Petitioner is brother-in-law of the complainant i.e. real brother of Yogesh. The alleged occurrence took place on 12.07.2020. As per allegations in the FIR, the petitioner caught hold of the complainant and committed bad act with her against

her wishes. On raising alarm, many persons from the locality came to the spot. On seeing them, the petitioner fled away from the house. The complainant was detained in the house on 13.07.2020. On 14.07.2020, her father, brother and uncle came to the house, but the accused did not realize his mistake. On 14.07.2020 itself, the complainant came to the hospital in an injured condition and was referred to PGI, Rohtak from where she was discharged on 16.07.2020. The FIR was registered on 21.07.2020 in respect of complaint dated 17.07.2020, which the complainant had made to the police.

Learned counsel for the petitioner submits that there is an inordinate delay of 9 days in lodging the FIR. When the complainant herself went to the hospital, she could have informed the doctor about the history of rape and injuries. There is no medical ruqa sent by the doctor to the police for registration of the FIR being a MLC case.

As per FSL report, human semen was detected on the underwear of the prosecutrix, whereas swabs and pubic hair remained inconclusive.

Learned State counsel, however, submits that the blood sample of the petitioner has been sent for DNA profile viz-a-viz the human semen detected on the underwear of the prosecutrix.

The complicity of the petitioner would remain debatable in view of the fact that FIR was registered after 9 days of the occurrence. The recovery of the underwear would only be after registration of the FIR. Petitioner is in custody since 21.08.2020. After filing of the challan, charges have not been framed so far.

Keeping in view the custody of the petitioner, stage of the trial and the aforesaid circumstances, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 09, 2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No