

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

211(2)

CRM-M-43850-2020 (O&M)

Decided on : 05.08.2021

MANISH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Mr. M.S. Khillan, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG Haryana
assisted by SI Sharda.

Mr. Munish Behl, Advocate for complainant.

MANJARI NEHRU KAUL, J. (Oral)

Prayer in the instant petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.583, dated 18.08.2020 under Sections 376-D and 506 of the IPC (Section 376-D IPC deleted later on) registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for allegedly luring the prosecutrix on the pretext of providing her with a job and thereafter committing rape and violating her modesty in addition to threatening her to upload her obscene pictures on the social media. Learned counsel further submits that in fact it was consensual relationship between the prosecutrix and the petitioner, which stands substantiated from the fact

that while appearing as PW-1, the prosecutrix did not support the case of the prosecution and as a result of which she was declared hostile.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from SI Sharda has not been able to controvert the submission made by the learned counsel with respect to the prosecutrix having not supported the case of the prosecution and having turned hostile.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 05, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*