

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

228

**CRM-M-49853-2021
Decided on : 02.12.2021**

Desh Raj

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ram Bilas Gupta, Advocate and
Mr. Mann Chaudhary, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana
assisted by ASI Manju.

Mr. Salim Ahmed, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 154, dated 18.07.2021, under Sections 376, 354-D of IPC, registered at Police Station Women NIT, District Faridabad.

Learned counsel for the petitioner submits that the allegations levelled in the FIR as well as in the statement recorded under Section 164 Cr.P.C., of the prosecutrix, are nothing but a bundle of lies, which find corroboration of the MLR of the prosecutrix, which is annexed as Annexure P-3 along with the present petition. While inviting attention of this Court to Annexure P-3, learned counsel submits that had it been a case of rape as alleged some resistance would have been surely put up by the prosecutrix and would have found reflected in the MLR but no such external injury was found on the person of the prosecutrix during her medical examination, which was conducted on the very next date of the occurrence in question.

Learned counsel further submits that in fact no such occurrence, as alleged, in the FIR in question, had ever taken place.

Per contra, learned State counsel assisted by learned counsel for the complainant, has not been able to controvert the submissions made by learned counsel for the petitioner with respect to no external injury having been found on the person of the prosecutrix when she was medico legally examined on the very next date of the occurrence in question.

Learned counsel for the complainant submits that he does not oppose the grant of regular bail to the petitioner.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances of the case as enumerated hereinabove, there is no likelihood of the trial concluding anytime in the near future, as only challan stands presented. I, therefore, deem it fit to grant the concession of bail to the petitioner, who has been in custody since 15th September, 2021. The petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 02, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*