

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

215

**CRM-M-3172-2022
Decided on : 11.02.2022**

Vishnu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. S.K. Panwar, Advocate
for the petitioner(s).

Mr. Karan Sharma, DAG, Haryana
assisted by ASI Dinesh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 571, dated 29.10.2020, under Sections 354-A, 376, 384, 506 of IPC, registered at Police Station City Palwal, District Palwal, Haryana (annexed as Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that the false implication of the petitioner in the FIR in question, is evident from the fact that there is an unexplained delay in the lodging of the FIR in question. The allegations levelled by the prosecutrix that there was an audio recording between her and the petitioner, as a result of which, she was being continuously blackmailed into having the physical relations with him was nothing but a bundle of lies, because it could not be digested that she would have chosen to keep mum despite being continuously raped by the petitioner, who was admittedly running a shop in the vicinity of her own house.

Learned counsel further submits that a perusal of the FIR, which is annexed

as Annexure P-1, clearly hints towards the prosecutrix and the petitioner being in a consensual relationship, which further found support from the numerous phone calls between her and the petitioner, which was a matter of record.

Learned counsel further submits that since the petitioner has been in custody since 30.10.2020 and only 01 prosecution witness out of the 15 prosecution witnesses cited, has been examined so far, there is no likelihood of the trial concluding anytime in the near future. Moreover, the sole witness i.e. the prosecutrix has been examined, hence, his further incarceration of the petitioner would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite, has submitted that the prosecutrix while stepping into the witness-box as PW-1, had reiterated the allegations levelled against the petitioner. He submitted that some improvements may have been made by the prosecutrix during trial, however, they would not adversely effect the case of the prosecution. Learned State counsel has not disputed that the prosecutrix was the sole material witness, however, he submitted that the other three witnesses i.e. mother-in-law, sister-in-law and husband of the prosecutrix remain to be examined.

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

In the facts and circumstances, as enumerated hereinabove, since the sole material witness i.e. prosecutrix stands examined and trial will take time to conclude, this Court deems it fit to extend the concession of bail to the petitioner during the trial. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty

Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 11, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No