

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

**CRM-M-8583-2022 (O&M)
Date of decision: 17.08.2022**

Sajjan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pankaj Mehta, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 240 dated 28.09.2020, registered under Sections 452, 506, 376-D, 511 of the IPC (Sections 376, 354-B, 34 of the IPC deleted during investigation) at Police Station Sadar Narwana, District Jind.

The first petition, bearing CRM-M-5314-2021, was dismissed as withdrawn on 06.04.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the statement of the prosecutrix has been recorded.

Learned counsel further submits that the petitioner is in judicial custody since 07.10.2020 and three prosecution witnesses have been

examined.

In compliance with direction given by this Court, the Additional District & Sessions Judge, Jind has submitted a report dated 02.05.2022 to the effect that the statement of the prosecutrix (name not disclosed) stands recorded, in which she has stated that on 25.09.2020, she was alone at home when accused Dharambir and petitioner/accused Sajjan entered into her house and Dharambir caught hold of her hands from behind and accused Sajjan tried to commit rape on her and torn her clothes. In cross examination by the petitioner/accused Sajjan, when the prosecutrix was confronted with her statement recorded under Section 164 Cr.P.C., she admitted that it is nowhere recorded about the place of tearing of her shirt. In further cross examination by accused Sajjan, she has also stated that from 25.09.2020 to 28.09.2020, she and her mother did not make any complaint and remained at their home.

Learned counsel for the petitioner further submits that the FIR was registered on 28.09.2020 and as per own statement of the prosecutrix, there is no explanation of delay of four days in registration of the FIR.

Learned State counsel has filed the affidavit of the Assistant Superintendent of Police, Narwana, in which after verification of the facts as stated in the FIR, it is stated that the investigation was carried out and statements under Sections 161 and 164 of the Cr.P.C. were recorded.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the statement made by the prosecutrix and also in view of the fact that the petitioner is in judicial custody for the last 01 year, 10 months and 08 days

and he is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

17.08.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No