

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

**CRM-M-12159-2022
DECIDED ON: 08.06.2022**

VARUN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

The instant petition under Section 439 Cr.P.C has been filed seeking regular bail in case FIR No. 277, dated 21.07.2021, under Sections 120-B, 376-D and 506 IPC, registered at Police Station Kanina, District Mahendergarh, Haryana.

Learned counsel for the petitioner submits that the age of the petitioner is approximately 18 years whereas the age of prosecutrix is 28 years, who is also the paternal aunt of the petitioner. The petitioner was arrested on 24.07.2021 and he is in custody since then.

Learned counsel for the petitioner contends that the present FIR is a counter-blast of some altercation and hot exchanges which took place between Sanjay, other villagers and police officials regarding taking action against some unknown boys, who used to misbehave with the prosecutrix. The perusal of the FIR also crystallizes that the petitioner has not been specifically named therein.

The status report dated 25.04.2022 by way of an affidavit of Sh. Rajiv Kumar, HPS, Deputy Superintendent of Police, Kanina, District Mahendergarh (Haryana) has been filed on behalf of respondent-State. The statement recorded, as stated in para 4 of the said status report, also makes it evidently clear that there was some dispute between the husband of complainant and other villagers. The accused persons named therein are Suraj, Mukesh, Rakesh and Varun, who happened to be the villagers of Gudha, Police Station Kanina, District Mahendergarh, Haryana.

Learned State counsel, however, submits that during the investigation, it had been found that the petitioner and co-accused have committed the rape upon the prosecutrix and were arrested on these allegations as enumerated in the challan dated 10.09.2021 and the case is now fixed for 05.07.2022 before the trial Court for prosecution evidence.

The main witness Sandeep has already been examined whereas nine other prosecution witnesses are yet to be examined.

Keeping in view the fact that the trial is not likely to be concluded in near future and the petitioner is in custody since 24.07.2021, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(SANDEEP MOUDGIL)
JUDGE

08.06.2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>