

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

CRM-M-15065-2022

Date of Decision: 20.04.2022

KARAN

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. G.S.Sidhu, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.553 dated 16.09.2020 under Sections 323/342/376(2) (N)/376 (1)/376(2)(n)/506/120-B and 34 IPC, registered at Police Station City Sirsa, District Sirsa.

Custody certificate has been placed on record.

Briefly, the case has been registered on the basis of the statement made by prosecutrix, aged about 19 years, alleging that she came in contact with Neelam, the mother of the petitioner. On 09.09.2020 at the asking of Neelam, the prosecutrix had gone to her house at Sirsa. The petitioner alongwith his brother Rajat, prosecutrix and Meenu, the sister of the prosecutrix went to a hotel and returned back to the house of Neelam. The petitioner had applied Sindoor on hairline of the prosecutrix. On 09.09.2020, the petitioner committed wrong act and also threatened the prosecutrix. On 12.09.2020, the prosecutrix contacted her brother Jai Parkash Bhadu and informed him about the occurrence. The mobile phone of the prosecutrix was snatched and it was thrown in the water. On 14.09.2020, Jai Parkash, Rakesh and Sonu came to the house of Neelam and brought the prosecutrix back.

Learned counsel for the petitioner contends that the petitioner had solemnized marriage with the prosecutrix and she is a consenting party. The

petitioner has been falsely implicated at the instance of Jai Parkash, who is not her real brother. Furthermore, the statement of the prosecutrix as well as her sister have been recorded during the course of trial. The petitioner is in custody for a period of 01 year, 06 months and 15 days.

The bail application has been resisted by the learned State counsel on the score that the prosecutrix during the course of trial has supported the version of the prosecution and imputed the allegations against the petitioner. Although, the prosecutrix and her sister have been examined, but out of 18 witnesses, only 04 witnesses have been examined so far.

The prosecutrix is stated to be aged about 19 years. It will be a debatable and moot point during the course of trial as to whether she was a consenting party or not. The statement of the prosecutrix and her sister has been recorded. As such, it cannot be said that the petitioner can try to win over or influence the witnesses. He is in custody for a period exceeding one and a half year. Fourteen more witnesses still remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner behind the bars.

Keeping in view the aforesaid circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate.

20.04.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No