

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(225)

CRM-M-28154-2022
Date of Decision: 27.09.2022

Vinay Kumar Rath

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.25 dated 5.2.2022 under sections 376 and 511 IPC (section 171 IPC added later on), registered at Police Station, Women Police Station, NIT, District Faridabad

As per factual matrix, the FIR in question was lodged by the prosecutrix herself wherein it was alleged that on 30.1.2022 at about 6.00 PM when she was waiting at Surajkund Road roundabout, then, an unknown person came in his car and introduced himself as a police man. On the pretext of helping the prosecutrix he gave her lift in his car to drop her at her destination. The prosecutrix boarded his car, however, the petitioner thereafter started exploiting the situation of the prosecutrix and made an attempt to rape her. The prosecutrix never met the petitioner on earlier occasion and she was somehow left by the petitioner at the place from where she was picked up. On recording her statement FIR in question was registered and the investigation commenced.

During investigation, statement of the prosecutrix under section 164 Cr.P.C was recorded. The petitioner was arrested on 27.2.2022. The test identification parade was conducted and the prosecutrix identified the accused/petitioner. He approached the learned Fast Track Court, Faridabad for grant of bail, however, after hearing the parties, the same was declined vide order dated 5.5.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. He submits that prosecutrix is of the age of majority and the allegations made in the FIR are false and fabricated. He submits that petitioner is running the business of transport and on account of which he has earned wrath of the police officials and thus he has been framed in this case in a deliberated manner. Counsel further submits that prosecutrix was not medically examined to corroborate her ocular version. He further submits that even otherwise the prosecutrix already stands examined and hence petitioner is not in a position to influence her. He submits that petitioner has no criminal antecedents and hence he deserves to be granted the benefit of bail.

On the other hand, learned State counsel submits that there are specific allegations against the petitioner. He submits that the prosecutrix never knew the petitioner and hence the FIR was lodged against an unknown person, however, after arrest of the petitioner a test identification parade was conducted in which the prosecutrix duly identified the petitioner. He further submits that prosecutrix has already been examined by the learned Trial Court and she has duly supported the case of

prosecution. He submits that as per information provided to him petitioner has no criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, the FIR in question was lodged against an unknown person and the petitioner was subsequently arrested on 27.2.2022. Both prosecutrix and petitioner are of the age of majority. The prosecutrix already stands examined by the learned Trial Court and thus there is no possibility of the petitioner influencing the prosecutrix. As per information provided by learned State counsel, petitioner has no criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

27.09.2022

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