

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32252-2022 (O&M)
Date of Decision:13.09.2022

INDERPAL

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rakesh Kumar Lathwal, Advocate and
Mr. Man Mohit Malik, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in case bearing FIR No.322 dated 16.09.2021 under Section 376 IPC registered at Police Station IMT-Rohtak, District Rohtak.

Custody certificate has been placed on record.

Briefly, the allegations against the petitioner are to the effect that the marriage of the prosecutrix was solemnized with the son of the petitioner in the year 2019. On 05.09.2021, the petitioner had committed rape upon the prosecutrix.

Learned counsel for the petitioner contends that the FIR has been lodged on account of matrimonial dispute of the prosecutrix with the son of the petitioner. The prosecutrix is having 09 months old child and she has deserted the son of the petitioner. Even the infant has been left in the house of her in-laws by the prosecutrix. The statement of the prosecutrix during the course of trial has been recorded. The petitioner is in custody for a period of 11 months and 25 days and not involved in any other case. Even, as per the report of Forensic Science Laboratory, no spermatozoa has been detected. He further contends that there is delay of 10 days in lodging the FIR.

Learned State counsel has opposed the bail application on the score that the petitioner is the father-in-law of the prosecutrix. The prosecutrix has

supported the prosecution version even during the course of trial. The report of FSL is negative as there was delay in her medical examination and the reason for delay was that the parties are close relatives. So far only 03 out of 18 witnesses have been examined.

The petitioner is the father-in-law of the prosecutrix. There appears to be a matrimonial dispute between the prosecutrix and the son of the petitioner. The petitioner is in custody for a period of 11 months and 25 days and not involved in any other case. The bail has been declined by the learned trial Court primarily on the score that the statement of the prosecutrix was yet to be recorded and the petitioner may influence the witnesses. The apprehension stands dispelled as the statement of the prosecutrix has been recorded in the trial Court. Moreover, she is stated to be residing in her parental house. Consequently, it cannot be said that the petitioner will be in a position to win over or influence the witnesses. There is delay of 10 days in lodging the FIR. Even, the report of FSL is negative. 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 entire circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation 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//Duty Magistrate.

13.09.2022
smriti

(VIVEK PURI)
JUDGE

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