

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

123+228

CRM-M-30124 of 2022 (O&M)

Date of decision:29.11.2022

Rajat Goyal

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Atul Lakhanpal, Senior Advocate with  
Mr. Arvindpal Singh, Advocate  
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Ashwani Vaishnav, Advocate  
for the complainant.

**SUVIR SEHGAL, J. (Oral)**

**CRM No.45114 of 2022**

Application is allowed as prayed for.

Testimonies of the prosecutrix-PW1, her mother-PW2 and  
uncle-PW3 are taken on record as Annexures P-7 to P-9 respectively.

**Main Case**

Instant petition has been filed under Section 439 Cr.P.C.,  
seeking grant of regular bail to the petitioner in case FIR No.18 dated  
19.04.2022 registered under Sections 376(2)(n), 506 of Indian Penal Code,  
1860 at Police Station Women Sirsa, District Sirsa (Annexure P-1).

Learned senior counsel urges that although FIR (Annexure P-1) has been registered by a 24 year old prosecutrix on the allegation that she came in contact with the petitioner two years earlier and on the pretext of marriage, he forcibly developed physical relations with her. He submits that although it has been alleged that the petitioner has sexually assaulted the prosecutrix, but in her testimony, she has not supported the allegations. Reference has also been made by learned senior counsel to the testimonies of two relatives of the prosecutrix. Counsel submits that the petitioner, who is in custody since 23.05.2022 and enjoys a clean past, deserves to be enlarged on bail as material prosecution witnesses, have been examined.

Per contra, State counsel, upon instructions from ASI Manju Bala, has opposed the petition and has submitted that there are specific allegations against the petitioner, which have been duly supported by the prosecutrix in her statement recorded under Section 164 Cr.P.C. She, however, could not dispute the testimony of the prosecutrix. As per her instructions, FSL report is negative.

Counsel representing the complainant does not oppose the prayer made in the petition.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that involvement of the petitioner in the offence would remain subject matter of debate before the Trial Court. Petitioner, who is in custody for the last more than six months would be entitled to be released on bail as crucial prosecution witnesses have been examined and the trial is likely to take time to conclude.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail during the pendency of the trial, on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case

November 29, 2022  
savita

(SUVIR SEHGAL)  
JUDGE

|                                  |            |
|----------------------------------|------------|
| <i>Whether Speaking/Reasoned</i> | <i>Yes</i> |
| <i>Whether Reportable</i>        | <i>Yes</i> |