

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 217

CRM-M-32697-2022

Date of decision : 29.09.2022

Satbir

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Amrita Garg, Advocate, for the petitioner.

Mr.Karan Sharma, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.826 dated 31.12.2021 registered under Sections 323, 384, 354D and 506 IPC (Section 376(2)(n) IPC added later on) at Police Station Azad Nagar, District Hisar.

Briefly stated, the case of the prosecution is that the petitioner and the prosecutrix (a married lady) had an affair and after their break up the petitioner started harassing her and even forced her to have sexual relations with him.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he does not have any other criminal antecedents; he is in custody since 27.01.2022; all material witnesses of the prosecution, including the prosecutrix and her husband, have already been examined in the petitioner's trial; the prosecutrix and her husband while appearing before the Trial Court as PW-1 and PW-2 respectively have specifically stated that the petitioner did no wrong with the prosecutrix; there is no medical or forensic evidence to support the allegations of rape and that since 11 witnesses of the prosecution still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has committed rape as also harassed/molested a lady.

The petitioner is in custody since 27.01.2022; he does not have any other criminal antecedents, all material witnesses of the prosecution, including the prosecutrix and her husband, have already been examined in the petitioner's trial; the prosecutrix and her husband while appearing before the Trial Court have absolved the petitioner of all accusations against him; there is no medical or forensic evidence to support the allegations of rape and that since 11 witnesses of the prosecution still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hisar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No