

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 225

CRM-M-31270-2022

Date of decision : 10.08.2022

Karan Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Raghav Sharma, 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.420 dated 17.07.2021 registered under Sections 328, 342, 376(2)(n), 506 IPC and Sections 3(1)(w)(i) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Gharaunda, Karnal.

The petitioner is being prosecuted for having raped the prosecutrix as also for having abused her in the name of her caste.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 24.07.2021; he does not face any other criminal case; the prosecutrix as also her father stand already examined in the petitioner's trial; during the course of her deposition the prosecutrix has stated that she and the petitioner, who were both adults, were in a consensual relationship and that the petitioner never committed any rape upon her; she further stated that neither the petitioner abused her nor threatened her; the prosecutrix's father while appearing before the Trial Court has also not towed the line of the prosecution; all material prosecution witnesses already stand examined and that since 15 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

Learned State counsel admits to the fact that the prosecutrix while

appearing before the Trial Court has given the petitioner a clean chit and that the prosecutrix's father while appearing before the Trial Court has also not towed the line of the prosecution but opposes grant of bail to the petitioner on the ground that he has committed rape as also abused a lady in the name of her caste.

While appearing before the Trial Court as PW-1 the prosecutrix has stated that she and the petitioner, being adults, were in a consensual relationship and that the petitioner neither raped her nor abused her in the name of her caste. The prosecutrix's father while appearing before the Trial Court as PW-2 has also not towed the line of the prosecution.

After considering the above as also because the petitioner is in custody since 24.07.2021; he does not face any other criminal case and that since 15 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude, 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, Karnal, 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.

A perusal of the FIR reveals specific allegations by the prosecutrix against the petitioner of him having threatened, raped as also abused her in the name of her caste. However, while appearing before the Trial Court the prosecutrix has given the petitioner a clean chit.

In the light of the above, the State shall consider to prosecute the prosecutrix for having lodged a false FIR.

10.08.2022
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[DEEPAK SIBAL]
JUDGE

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