

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39302-2021

DATE OF DECISION: MARCH 2, 2022

RAMPAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIKRAM SINGH, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.681 dated 13.11.2019, under Section 376, 354-d, 506 IPC, Police Station City Narnaul, District Mahendergarh, who is in custody since his arrest on 15.11.2019.

As per the allegations levelled in the FIR, on 13.11.2019, the prosecutrix got recorded her statement in the Police Station City Narnaul, to the effect that Rampal used to call her and inform her about the wrong doings of her husband. On 14.10.2019, he called her on her phone at 9.00 a.m. and informed that her husband is at Hotel Rao at Mahavir Chowk with a girl and she should come and see herself. Thereafter, she went to the hotel where Rampal met her and when she asked about her husband, Rampal told her that he was in the room. When she reached at the hotel room, she did not find her husband, however, Rampal closed the room from inside and tried to molest her and made physical relations without her consent. When she raised her voice, she was gagged. Thereafter, he left her on Nizampur

Road and threatened her of her life in case she disclose the same. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that in all there are 16 witnesses and only 5 witness including the prosecutrix have been examined so far, and the material witness (prosecutrix) has not supported the prosecution case, who was declared hostile. In this regard, he has drawn the attention of the Court to the deposition of the prosecutrix (Annexure P-2). He prays for bail.

On the other hand, learned State counsel assisted by L/ASI Rakesh does not dispute this fact that the material witnesses have been examined, but still 11 witnesses remain to be examined.

Considering the above background, the length of custody of the petitioner and the fact that material witnesses have already been examined, further detention of the petitioner may not be necessary as the conclusion of the trial is likely to take considerable time. Further, the remaining witnesses are the police officials and at present there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 2, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No