

215

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40897-2022

Date of Decision: September 13, 2022

Raj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Nonish Kumar, Advocate
for the petitioner.

Mr.B.S.Virk, DAG, Haryana.

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RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.197, dated 29.07.2022, under Sections 354 and 354-D IPC (Sections 376 and 511 IPC deleted), registered at Police Station Nighdu, Karnal.

As per facts of the case, the present FIR was lodged by the prosecutrix wherein it was alleged that Raj Kumar was following her from the last so many months and used to tease her. Her husband is handicapped due to fracture in his leg. On 28.07.2022, at about 6 O' clock, she went for cattle work in the *bara* when Raj Kumar tried to manhandle her. She made noise and on hearing the noise, some people came there and they saved her. After some time, he came to her house and kicked the door and made hue and cry. Then, they made a call on 112 and the police came at the spot and the complaint was lodged to take the legal action against the accused. On

the basis of the complaint, the FIR was lodged and the investigation was commenced. The petitioner was arrested on 30.07.2022.

The petitioner approached the Court of learned Additional Sessions Judge-cum-Exclusive Court for Fast Tracking of Heinous Crimes against Women, Karnal, praying for grant of bail, who after hearing the parties, declined the same vide its order dated 31.08.2022. Aggrieved by the same, the petitioner is before this Court praying for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner and the prosecutrix both are of the age of majority and the petitioner has been falsely implicated in this case. He has submitted that both are residents of the same village and it is on account of some dispute in the family that the petitioner has been roped in the case in a mala fide manner by the prosecutrix. He has submitted that though the FIR was lodged for the offence under Sections 376 and 511 IPC, however, during investigation, the police did not find any truth in the same and thus, the same were deleted and hence false allegations made by the prosecutrix are evident. He submits that petitioner is behind bars from 30.07.2022 and thus, he deserves to be granted the concession of bail.

On the other hand, learned counsel for the State has submitted that there are specific allegations against the petitioner regarding sexual abuse of the prosecutrix. He has submitted that during investigation, offence under Sections 376 and 511 were deleted and now the petitioner is being prosecuted for the rest of the offences. He has submitted that investigation of the case is already completed and they were likely to file the challan under Section 173 Cr.P.C. He has submitted that as per the information, the

petitioner is being prosecuted in another FIR, i.e. FIR No.12, dated

30.01.2021, under Sections 186, 332, 353 IPC, registered at Police Station Nigdu Karnal, however, he is on bail in that case.

Heard.

The prosecutrix and the petitioner both are residents of same village and are of the age of majority. Though there are various allegations, however, Sections 376 and 511 IPC have been deleted during investigation. Though the petitioner is facing prosecution in another FIR as well, however, he is on bail in the same. Investigation in this case as per submissions made by the learned State counsel is almost complete and the challan is likely to be filed before the Court. Allegations and counter-allegations would be assessed by the trial Court only after conclusion of the trial.

Keeping in view the custody and the overall facts of the case, this Court finds that the counsel for the petitioner succeeds in making out a case for grant of bail to the petitioner.

The trial would take sufficient time for its conclusion and no purpose would be served by keeping the petitioner behind the bars for such a long period.

The present petition is allowed.

Bail to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing stated hereinabove shall be treated as an expression of opinion on the merits of the case.

September 13, 2022
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No