

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48128 of 2021

Date of Decision:23.2.2022

Latif @ Abdul

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Alisha Soni, Advocate
for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in FIR No. 50 dated 20.3.2021 under Sections 376, 506, 328 IPC registered at Police Station, Women Cell Panipat, District Panipat (annexed as Annexure P-1).

Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner which finds credence from the fact that no injury was found on the person of the prosecutrix during her medical examination. Learned counsel further submits that since the material witness i.e. the prosecutrix stands examined, further incarceration of the petitioner would not serve any useful purpose, more so, since the prosecution evidence shall take some time to conclude.

Per contra, learned State Counsel while opposing the prayer and submissions made by counsel for the petitioner, on instructions, has submitted that there are serious and specific allegations levelled against the petitioner of violating the person of the prosecutrix after administering

some intoxicant to her. She has further submitted that during the trial, all the material witnesses including the prosecutrix supported case of the prosecution in its entirety. It has also been submitted that the Forensic Science Laboratory report further nailed the petitioner in the crime in question as semen was detected in the said report. Learned counsel controverted the submissions made by counsel opposite with respect to the trial unlikely to conclude in the near future by urging that only four formal witnesses remain to be examined.

I have heard learned counsel for the parties and perused the relevant material on record.

Prima facie there are serious and specific allegations levelled against the petitioner of having violated person of the prosecutrix. This Court is, therefore, not inclined to extend the concession of bail to the petitioner, more so, since the trial would not take much time to conclude.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

23.2.2022
PARAMJIT

Whether speaking/reasoned: Yes

Whether reportable : Yes/No