

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-48993-2021
Decided on : 15.02.2022**

Gurlal Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Parminder Singh, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by SI Geeta.

None for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 49, dated 11.07.2021, under Sections 323, 328, 347, 376, 452, 406, 506 of IPC, registered at Police Station Women Assandh, Karnal, District Karnal (annexed as Annexure P-1).

Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, *inter alia* submits that it was the admitted case of the prosecutrix herself that she and the petitioner had been in a live-in relationship for almost four years prior to the lodging of the FIR in question. Learned counsel submits that however, their relations turned sour subsequently, as a result of which, she planted the case in question after levelling totally concocted allegations, which find reflected in the FIR in question.

Learned counsel further submits that there was no shred of evidence either *qua* the rape allegedly committed upon the prosecutrix by the petitioner on 08th July, 2021 or the alleged beatings given to the prosecutrix by him, much less, the petitioner having taken away all the gold ornaments from the house of the prosecutrix after extending threats to her. Learned counsel submits that the petitioner has been in custody since 21st July, 2021

and on presentation of challan, charges were framed on 04th January, 2022, hence, there was no likelihood of the trial concluding in the near future, as the prosecution evidence was yet to commence. Learned counsel submits that in the circumstances, further incarceration of the petitioner would not serve any useful purpose.

Per contra learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Geeta, submits that there are serious allegations levelled against the petitioner of raping and physically assaulting the prosecutrix in addition to threatening her with dire consequences.

Heard learned counsel for the parties and perused the material on record.

Admittedly, the parties had been in a relationship for the last four years prior to the registration of the FIR in question. The version of the prosecutrix *qua* the allegations of rape and physical assault against the petitioner, which finds reflected in the FIR would be a matter to be appreciated during trial. The petitioner has been in custody since 21st July, 2021 and there is no likelihood of the trial concluding in the near future as prosecution evidence has not yet commenced.

In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner, who admittedly is not involved in any other case, during the trial. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 15, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*