

**221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-56179-2022
Decided on 08.12.2022.****Roop Chand @ Roopa****...Petitioner****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL****Present: Mr.Aditya Sanghi, Advocate
for the petitioner.****Mr. Kirpal Singh Thakur, AAG, Haryana.*************VIKRAM AGGARWAL, J.**

Prayer in this petition is for grant of regular bail in case FIR No.347 dated 14.11.2021, registered under Sections 376/419/420/201 of the Indian Penal Code, 1860, registered at Police Station City Thanesar, District Kurukshetra, Haryana.

The allegation against the petitioner is that he made false promises to the prosecutrix and raped her. It is also the allegation that the petitioner used to project himself as a Government Officer and dole out false promises to various persons.

Learned counsel for the petitioner submits that the prosecutrix while appearing as PW-6 has not supported the case of the prosecution, nor has her daughter, who appeared as PW-8 supported the case of the prosecution. Reference in this regard has been made to both statements which have been placed on record as Annexure P-4. Learned counsel further submits that the petitioner is in custody since 17.02.2022; neither the prosecutrix nor her daughter have supported the case of the prosecution; the trial will still take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any further.

Learned State counsel has opposed the bail application stating that if the petitioner is released on bail, he will try to influence and threaten the other witnesses who are yet to be examined. He has also stated that one witness-PW-4 has supported the case of the prosecution.

Having heard learned counsel for the parties, this Court is of the considered opinion that the petitioner deserves to be released on bail. The prosecutrix who appeared before the trial Court as PW-6 has not supported the case of the prosecution. Her daughter who also appeared as PW-8 has also not supported the case of the prosecution. In fact the complainant has gone to the extent of stating that she does not even know the petitioner. The statement of both witnesses are on record as Annexure P-4. The factum of PW-4 having deposed against the petitioner would not make much difference as the prosecutrix who is a major, has not supported the case of the prosecution. The petitioner is in custody since 17.02.2022. Trial will still take a sufficiently long time. In the considered opinion of this Court, no useful purpose will be served by keeping the petitioner in custody any further.

Without expressing any opinion on the merits of the case and keeping in view the fact that conclusion of the trial will take a considerably long time, the present petition is allowed. Petitioner Roop Chand @ Roopa, is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, Kurukshetra.

08.12.2022*rekha sharma***(VIKRAM AGGARWAL)
JUDGE**

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