

SOMBIR @ KALU

VERSUS

...RESPONDENT

Present: Mr. Sunil Kumar Goswami, Advocate for the petitioner.

Mr. Ram K. Singla, DAG, Haryana.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Sombir @ Kalu-petitioner is seeking regular bail in the case bearing FIR No.19 dated 14.02.2022 under Sections 323/328/341/376(2)(n)/406/498-A/506 read with Section 34 IPC, registered at Police Station Women Jind, District Jind.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated on account of matrimonial dispute between the prosecutrix and her husband. The petitioner is neither working as a priest nor tantrik. The petitioner was known to the family of in-laws of the prosecutrix. He had been trying to intervene and mediate to settle the dispute. The petitioner has been falsely implicated by the prosecutrix on account of his affinity with the family members of her in-laws. The petitioner is in custody for a period of 01 year, 03 months and 19 days. Though, the petitioner is involved in another case bearing FIR No.133/2017, under Sections 147/148/149/506 IPC, registered at Police Station Sadar Bhiwani but is on bail in that case. The statement of the prosecutrix

CRM-M-4024-2023

-2-

version.

4. Learned State counsel has opposed the bail application on the score that the prosecutrix has substantiated the allegations of commission of rape attributed against the petitioner. Out of 17, only 03 witnesses have been examined till date.
5. It may be mentioned here that the allegations of commission of rape have been levelled in the FIR against the petitioner and 5-6 other persons who are stated to have been found to be innocent. The prosecutrix is having matrimonial dispute with her husband. The statement of the prosecutrix during the course of trial has been recorded and the genuineness of the allegations attributed against the petitioner will be a subject matter of adjudication during the course of trial. It cannot be said that the petitioner can in any manner win over or influence the prosecutrix as her statement has already been recorded. The petitioner is in custody for a period of 01 year, 03 months and 19 days. Though, he is involved in another case but is stated to be on bail in that case. So far only 03 out of 17 witnesses have been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.
6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
7. The petition is allowed accordingly.

19.07.2023

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(VIVEK PURI)
JUDGE