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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8343-2023

Date of Decision:- 08.06.2023

Shailender Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Ms. Jasneet Mehra, Advocate
for Mr. Amrinder Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Shailender Singh has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 393 dated 12.12.2022 under Section 376(2)(n), 506 of I.P.C. and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) registered at Police Station Barara, District Ambala.

2. The facts of the case are that a written complaint was filed against Shailender Singh and his wife Nandini alleging that the prosecutrix is running a parlour. She had gone to a cosmetic shop at Rajoli Road, Barara to purchase certain articles. Shailender Singh met her and gave her cosmetic items. Thereafter, he came to her house under the influence of liquor at night time and committed wrongful act with her. Thereafter, he visited her house several times and committed wrongful act with her. She was threatened by him that he would kill her and her family members. He also passed wrong comments for her daughter. She was being threatened to kill her by giving her some

poisonous injection or by injecting some narcotic substance. Ultimately, she lodged the complaint, on the basis of which present FIR has been registered.

3. Learned counsel for the petitioner argued that all the allegations levelled against him are false. The prosecutrix has concocted a false story. The allegations are vague. There is no specific date, month or year when she was sexually exploited. No complaint was filed earlier. Infact, the present petitioner is the victim who is trapped by the prosecutrix. It was a consensual relationship. The photographs are Annexure P-4. He has already joined the investigation. Learned counsel for the petitioner further pointed out that the prosecutrix has not supported her version when she stepped into the witness box as PW-1. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State. The detailed status report is filed. It is pointed out that the present petitioner was arrested in this case on 26.12.2022. After the completion of investigation, the challan was presented in the Court and at present the case is fixed for prosecution evidence. The allegations levelled against the present petitioner are specific and serious in nature. Therefore, his regular bail application may be declined. Alongwith the status report, the learned State counsel has placed on record the statement of prosecutrix recorded under Section 164 Cr.P.C.

5. I have considered the arguments and have gone through the record carefully. The perusal of status report shows that after the completion of investigation, the trial is under progress. The statement of the prosecutrix has been recorded as PW-1. As per this statement, she has not levelled any allegation against the petitioner. She was declared hostile as she did not support the prosecution version. I have also gone through the statement of the prosecutrix where she had earlier supported the prosecution case. I have also

gone through the statement of daughter of the prosecutrix where she has mentioned about the visits of present petitioner in their house and she used to dislike the same. Otherwise, there is no such allegation against the present petitioner. Trial of this case may take some time. He cannot be kept behind the bars for indefinite time period. Considering the aforesaid facts, the regular bail application filed by the petitioner – Shailender Singh is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

My above observations are made only for the disposal of bail application and it shall have no bearing on the merits of the case.

The petition is accordingly, accepted.

08.06.2023
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(AMARJOT BHATTI)
JUDGE

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