

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 204

Criminal Miscellaneous No.M-9139 of 2023

Date of Decision: February 24, 2023

Parveen

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Sushil Kumar Verma, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.453 dated 03.08.2022, under Sections 376 and 328 IPC (Section 3(2)(V) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on), registered at Police Station City Gohana, District Sonipat.

2. The FIR was lodged on a complaint submitted by the prosecutrix, aged 21 years, alleging that she and the petitioner had developed friendly relations. On 03.08.2022, on reaching the college she came to know that it was a holiday. While returning home, she met the petitioner and accompanied him to a hotel room, where, by offering an intoxicated drink, the petitioner raped her. Then somebody intimated her parents about her presence in the hotel room. On seeing them coming, the petitioner made her escape from rear of the hotel in an auto, and asked her to meet him near the college.

3. Learned counsel for the petitioner contends that the allegations levelled by the prosecutrix are false. He has referred to the medical examination of prosecutrix, placed on record as Annexure P-6, wherein she has feigned ignorance about commission of rape by the petitioner. It shows that there was no external mark or injury seen on her body. The FIR was lodged only under pressure of her parents to save herself. He further contended that investigation of the case is already over and chllan stands filed.

4. Learned State counsel, on instructions from ASI Sushma, submits that allegations against the petitioner are serious and he has been specifically named in the FIR. The trial is fixed for 11.04.2023 for framing of charges, and twenty five prosecution witnesses will thereafter be examined.

5. Culpability of the petitioner is a matter of trial which will take long time to conclude as twenty five prosecution witnesses are to be examined. Investigation of the case is already over. Therefore, no useful purpose will be served by confining the petitioner to custody during trial.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

February 24, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No