

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

Sr. No.: 287

CRM-M-11715-2023

Date of Decision: April 24, 2023

NOORDDIN

....PETITIONER(S)

VERSUS

STATE OF HARYANA

...RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

TRIBHUVAN DAHIYA, J(ORAL)

1. This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.226 dated 03.06.2022 under Sections 376 and 506 IPC, registered at Police Station Punhana, District Nuh.

2. Briefly, the allegations levelled in the FIR are, the complainant/victim was living in a rented house. On 30.05.2022, when she was working at home, the petitioner entered her house and raped her. Four/five days earlier also, he had raped her and later threatened to kill her and her husband in case she told about it to anybody. The petitioner was harassing her for the last many days and used to molest her on her way, and also by coming to her house.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case. Neither the victim, aged 23 years, nor her husband has supported the prosecution version in their

testimonies before the trial Court. She has testified that the petitioner did not

commit rape upon her and the statement under Section 164 Cr.P.C. was given by her on the asking of villagers. It is further contended that only on account of village politics the petitioner has been named in the FIR, which has been lodged after three days of the alleged occurrence.

4. Learned State counsel on instructions from ASI Bala opposes the grant of bail, on the ground that FSL report in the case is positive, though the DNA report is awaited. Only one prosecution witness remain to be examined. It is not disputed that the petitioner is not involved in any other case and is in custody since 08.09.2022.

5. The submissions made by learned counsel for the parties have been considered.

6. Neither the victim nor the complainant has supported the prosecution version. The victim has disowned her statement recorded under Section 164 Cr.P.C. also, stating that it was made on the asking of villagers. Culpability of the petitioner is a matter of trial which will take some time to conclude. Since the petitioner is in custody for the last seven months and has no other case pending, no useful purpose will be served by confining him to custody any longer.

7. Accordingly, petition is allowed and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

April 24, 2023
PrinceChawla

Whether Speaking/Reasoned:
Whether Reportable:

Yes/No
Yes/No