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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-23923-2023

Date of Decision:- 04.10.2023

Rahul

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sourabh Sheoran, Advocate for the petitioner.

Mr. Narinder Singh Behgal, Asstt. AG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Rahul has filed the present 2nd petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 120 dated 07.04.2022 under Section 346 of IPC (Sections 365, 376 and 506 of IPC added later on), registered at Police Station Sadar Mahendragarh, District Mahendragarh.

2. The facts of the case are that complainant - Manoj Kumar, husband of the victim gave his statement to the police that he is an agriculturist by profession. His wife was sleeping in the house, whereas he had gone to the fields. In the morning when he reached home, he found that his wife was missing. He made enquiry from the neighbourhood and came to know that his wife was kidnapped by some unknown person. Two days earlier, he had received calls from two mobile numbers extending threats to him.

He suspected that the said caller might have threatened his wife.

He gave description of his wife and with these allegations, the present case has been registered.

3. The learned counsel for the petitioner argued that Rahul is falsely implicated in this case. No such occurrence took place. After the presentation of challan, the statement of said victim has been recorded which is Annexure P-2. She was a married lady and a mother of 05 years old child. She knew the present petitioner and used to talk to him. She left the house on her own. She was never abducted or threatened by the present petitioner. This fact is clear from the statement of the victim recorded in the Court. He is behind the bars since 09.04.2022. He is ready to abide by the terms of the bail order. It is prayed that his second regular bail application may be allowed.

4. Status report is filed in which the bail application is opposed by the learned counsel representing the State. It is confirmed that the present petitioner was arrested on 09.04.2022. After completion of investigation, challan was presented on 07.05.2022 and after framing of chargesheet statement of prosecutrix has been recorded. It is argued that there are specific serious allegations against the present petitioner. Therefore, the present petitioner is not entitled to the concession of regular bail.

5. I have considered the arguments and have gone through the record carefully. It is mentioned in the bail application that earlier Rahul had filed bail application bearing CRM-M-5859-2023 which was dismissed as withdrawn vide order dated 26.04.2023. Therefore, this is the second regular bail application of the present petitioner. Perusal of file shows that after the presentation of challan statement of the prosecutrix

has been recorded which is Annexure P-2. So far as the statement of prosecutrix is concerned that will be appreciated at the time of final adjudication of the case. It cannot be ignored that since the statement of victim has been recorded, therefore there is no question of extending influence on the said victim. The present petitioner is behind the bars since 09.04.2022 for a period of about one and a half years. Trial of this case may take some time. Some dates were taken by the learned State counsel for receiving the DNA report, which has not been produced till date. Therefore, without expressing my mind on the merits of the case, the second regular bail application filed by the petitioner – Rahul 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.

The petition is accordingly, accepted.

04.10.2023

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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