

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

**CRM-M-27812 of 2023
Date of Decision:02.06.2023**

Raj Ram

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Vaneet Kumar Sharma, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition filed under Section 439 Cr.P.C. for seeking regular bail in FIR No.162 dated 04.11.2022 registered under Section 201, 204, 323, 313, 328, 506, 376(2), 376 (D) IPC registered at Police Station Mansa Devi Complex, Panchkula.

Learned counsel for the petitioner submits that the prosecutrix has not been raped by the petitioner in the FIR. Her statement recorded under Section 161 Cr.P.C. wherein the petitioner name was added without any further allegations. The said allegation of petitioner having committed rape of the complainant in a room of hotel situated at Morny Road is totally different infer to the FIR.

Learned counsel for the State submits that during investigation it has come on record that the petitioner had also raped the prosecutrix. However, this Court finds that there is no independent FIR lodged. In the FIR, the allegations are only against one Vijay Kumar and his father.

Keeping in view thereto, this Court *prima facie* finds that the petitioner Raja Ram cannot be made an accused in the FIR which was registered against Vijay Kumar and his father, therefore, the petitioner deserves to be granted bail subject to furnishing of bail bond with a surety of Rs.20,000/- of the like amount.

Accordingly, the petition stands allowed.

(SANJEEV PRAKASH SHARMA)
JUDGE

02.06.2023

Raman

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