

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

105+213

**Criminal Misc. No. M-31302 of 2023 (O & M)
Date of decision :-31.08.2023**

Parveen**.....Petitioner**

Versus

State of Haryana**.....Respondent**

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Akashdeep Singh, Advocate
for the applicant-petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

NIDHI GUPTA J. (Oral)

CRM-35978-2023

Prayer in this application is for placing on record photographs as Annexure P-7 and for exemption from filing certified/typed copy of the same.

The application is allowed subject to all just exceptions and the photographs are taken on record as Annexure P-7.

CRM-M-31302-2023

Prayer in this first petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.464 dated 23.11.2022, under Sections 376(2)(n) IPC (Section 376(2)(n) IPC deleted and Section 376 IPC added in the challan), registered at Police Station Urban Estate, Rohtak, District Rohtak.

The allegations in brief are that the petitioner and the prosecutrix started talking with each other and the petitioner expressed his desire to marry her. Accordingly, on 23.11.2022, the petitioner called the prosecutrix to meet and both went to a hotel on a motor-cycle, where the alleged occurrence of rape took place.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been honey trapped by the prosecutrix in the present case. It is stated that the petitioner is 26 years old and has been falsely implicated by the prosecutrix, who is a divorcee and mother of two children. It is stated that since the sister of the petitioner has lodged an FIR against her husband, namely, Sonu @ Neetu, under Section 498-A IPC, because of this reason, brother-in-law (Sonu @ Neetu) of the petitioner used the prosecutrix to catch the petitioner in honey trap, therefore, the present FIR has been registered against the petitioner on false facts.

Learned State counsel has filed the custody certificate dated 29.8.2023 in Court today. The same is taken on record. Copy thereof is supplied to the counsel opposite. As per the custody certificate, the petitioner has been in custody since 08 months and 08 days. Learned State counsel submits that out of total 25 prosecution witnesses, only one formal witness has been examined so far. He submits that the complainant/victim is yet to be examined in the case and in the FSL Report, semen has been detected on the exhibits. He further submits that admittedly, there was dispute between the families.

In view of the aforesaid and after hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time as only one formal witness out of total 25 witnesses has been examined so far and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

August 31, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No