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2023 : PHHC : 131786

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39840-2023

Date of Decision: 10.10.2023

AJAY

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Punit Malik, Advocate for the petitioner.
Mr. Ranvir Singh Arya, Addl. AG Haryana.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking regular bail in the case bearing FIR No.14 dated 15.01.2022, under Sections 216/342/346/366/506/376(2)(n) IPC, registered at Police Station Civil Line, District Jind, Haryana
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the petitioner was aged about 19 years at the time of occurrence and he was in live-in-relationship with the prosecutrix, who is aged about 18 years. The statement of the prosecutrix and her brother have been recorded during the course of trial. The relationship between the petitioner and the prosecutrix was consensual and he is in custody for a period of 1 year, 8 months and 20 days. The vicim and her brother have been examined in the trial Court and as such, it cannot be said that the petitioner can in any manner win over or influence them.
4. Learned State counsel has opposed the bail application on the score that the prosecutrix has been recovered from the custody of the petitioner and moreover, during the course of trial, she has made a categoric

statement imputing allegations with regard to commission of rape against the petitioner. Furthermore, there are allegations to the effect that under the threat to kill the brother of the prosecutrix, she was forcibly taken by the petitioner and her signatures on blank papers were obtained. As per the report of FSL, spermatozoa has also been detected and out of 17, 5 witnesses have been examined in the trial Court

5. It is significant to note that the earlier application for regular bail on behalf of the petitioner has been dismissed by a speaking order on 25.05.2023. Even the statement of the victim and her brother were recorded prior to the disposal of the earlier application for bail. The prosecutrix has made specific and categorical allegations against the petitioner to the effect that he had committed rape upon her. She has also testified to the effect that her signatures were procured on blank papers on the threat of killing her brother. Even, during the course of trial, she has denied the allegations to the effect that she had entered into any agreement of live-in relationship with the petitioner. The genuineness of such a defence version will be adjudicated by the trial Court at the appropriate stage. No significant change of circumstance is made out from the dismissal of the earlier bail application which may justify the concession of extending bail to the petitioner.

6. Dismissed.

10.10.2023

Janki

**(VIVEK PURI)
JUDGE**

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