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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48459-2023 (O&M)
Date of decision : 02.11.2023

Dalbir Singh ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Baljeet Nain, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.471 dated 02.09.2022 under Sections 342, 343, 376(2)(n), 506, 34 of the Indian Penal Code, 1860 (Section 120-B, 366 IPC added and Section 34 IPC deleted later on) registered at Police Station Jind Sadar, District Jind, Haryana (Annexure P-1).

2. Learned counsel for the petitioner would contend that the FIR in the present case was registered on the statement of the victim wherein it was alleged that she was working as a labourer in Bharat Layer Farm. On 21.08.2022 Guddi @ Salochana wife of Surender asked her to come to her place for some work and convinced her to stay at her house on the pretext

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that she would get some work. On the night of 22.08.2022 at about 8/9 PM a car was called at her place in Village Bohatwala and she asked the person in the car to drop the victim at her farm. She was thereafter asked to sit in the car and the man took her to his house in Narwana and forcibly made physical relations with her for five days. His neighbour referred to him as Dalbir (petitioner herein). Then she got an opportunity and took the mobile phone of Deepak and called her husband and told him everything. The husband is alleged to have called the said number again and threatened that his wife be released otherwise he would inform the Police. The person dropped the victim on 26.08.2022 at around 06.50 AM in a bus from Narwana to Jind. The FIR itself was lodged on 02.09.2022. Learned counsel for the petitioner would further contend that the victim and her husband while appearing as PW-2 and PW-1, respectively, have not supported the prosecution version. Infact, the victim has stated that Dalbir, Balinder and Salochna had never committed any offence with her and that she had left her house due to a dispute with her husband. It is further the contention that the petitioner has been in custody for a period of 01 year 01 month and 28 days and that there is no other case pending against him.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 01 month and 28 days and that there is no other case pending against him. Learned counsel for the State is not in a position to deny the fact that the victim as well as her husband while appearing as PW-2 and PW-1, respectively, have not supported the case of the prosecution.

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4. Heard.

5. In the present case both the complainant/victim as well as her husband who appeared as PW-2 and PW-1, respectively, have not supported the case of the prosecution. There is no medical on the record to support the allegations made by the complainant/victim. As per the custody certificate the petitioner has been in custody for a period of 01 year 01 month and 28 days and that there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

02.11.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO