

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

278

CRM-M-55344-2022

Date of Decision:- 09.05.2023

Mannu @ Soni Shah

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Sudesh Kumar, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, Assistant A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Mannu @ Soni Shah has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 634 dated 20.06.2022, under Sections 376, 506 of IPC, registered at Police Station Barwala, District Hisar.

The facts of the case are that the prosecutrix gave her statement that on 22.05.2022, she had gone to attend the marriage of daughter of her paternal uncle and all the relatives had come to attend this wedding. She slept in the house of her brother. Her paternal Aunt's brother-in-law namely Mannu @ Soni Shah was also sleeping there. At about 11:00 PM, he forcibly committed rape with her. The other family members were sleeping outside. She was threatened by Mannu @ Soni Shah. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that he is falsely involved in this case. There was no forcible rape. He was arrested in this case on 23.07.2022 and since then he is behind the bars. Even the

statement of alleged victim has been recorded. The allegations are without any basis. Even otherwise there is delay of about one month in lodging the complaint to the police. It was a consensual relationship and he has her photographs in his mobile phone clearly indicating that she was consenting party. He is ready to abide by the terms of the bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. Status report is filed. It is admitted that after the completion of investigation challan has been presented on 19.08.2022. The chargesheet was framed on 28.10.2022 and the case is fixed for prosecution evidence. The copy of MLR and the statement of the alleged victim recorded under Section 164 Cr.P.C. are Annexure R-1 and R-2 respectively. It is prayed that there are specific serious allegations against the petitioner. Therefore, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. The statement of the victim as PW-1 is also recorded on 24.04.2023. As referred above challan is already presented and the present petitioner is facing trial. The material witness has been examined, therefore, there is no question of influencing the material witness. He was arrested on 23.07.2022. Trial of this case may take long time. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

09.05.2023
Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No