

253

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58269-2022

Date of Decision:- 03.02.2023

SUKHRAM ALIAS SUKHIYA

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Naresh Kumar Ganga, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sukhram @ Sukhiya has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 36 dated 16.08.2022 under Sections 323, 341, 365, 376-D of IPC and Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sirsa.

The facts of the case are that the prosecutrix aged about 19 years gave her statement to the police that she had studied upto 10th class. On 16.08.2022, she had gone to the fields along with her mother. At about 02:00 P.M, she was returning home by taking green fodder. She was on the road leading to village when a grey coloured car stopped near her in which Sukhiya was sitting. He slapped her and put her in the car. The car was driven by one unknown boy. She was slapped and Sukhiya committed rape with her in the said moving car. She tried to raise the alarm.

Ultimately, the car was stopped behind Government School of their village and the said persons manage to escape. Jaiveer, her uncle reached there. Billu, brother of Sarpanch also reached and they left her in her house. Thereafter, the matter was reported to the police.

Learned counsel for the petitioner argued that he was falsely implicated in this case. The statement of victim is already recorded in the Court where she has not levelled any allegations against him. A false FIR has been registered against accused under the pressure of co-villagers. He is in custody from 05.09.2022. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Bail application is opposed by learned counsel representing the State. In the detailed status report, it is mentioned that challan was presented on 14.10.2022 and the charge-sheet was framed on 04.11.2022. The statement of prosecutrix was recorded in the Court where she has not supported the prosecution case. Rest of the evidence is yet to be recorded. Considering the gravity of offence, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. The statement of prosecutrix recorded as PW1 is on the file where she did not support the prosecution case and was declared hostile. The MLR of the victim is also produced according to which she had refused for internal examination. The remaining prosecution evidence is yet to be recorded. The petitioner was arrested on 05.09.2022. Trial of this case is likely to take some time. Therefore, without expressing my mind on the merits of the case and considering the aforesaid facts, the regular bail application filed by the petitioner – Sukhram @ Sukhiya is allowed. He is ordered to be released on bail to the satisfaction of trial

Court/Duty Judge concerned.

The petition is, accordingly, accepted.

03.02.2023
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(AMARJOT BHATTI)
JUDGE

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