



Sr. No.228

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3326-2024
Date of decision: 18th July 2024

DEEPAK KUMARPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by ASI Sunil Kumari.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.14 dated 17.03.2023, under Sections 376(2), 376(2)H, 354-D(ii), 384, 506 IPC, 1860, registered at Women Police Station, Fatehabad, District Fatehabad (Annexure P-1).
2. The petitioner is alleged to have committed rape upon the prosecutrix in a hotel on 14.02.2023, 28.02.2023 and 17.03.2023.
3. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the prosecutrix, who is major and married and her testimony as PW-2 stands recorded during the trial, as per Annexures P-6 and P-7. The present FIR is a counter-blast to the complaints filed by the petitioner against the prosecutrix and Ex.Sarpanch-Mahender Singh. The petitioner is in custody since 18.03.2023 i.e. for a period of 01 year and 03 months.
4. Notice of motion.
5. Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the

respondent-State of Haryana.



6. Learned State counsel has filed custody certificate of the petitioner dated 17.07.2024, reflecting his period of custody as 01 year 03 months and 29 days, which is taken on record. Learned State counsel has opposed the present petition on the ground that the prosecutrix has supported the prosecution case and even the DNA report is against the petitioner.
7. On the other hand, learned counsel for the petitioner has raised serious challenge to the report of DNA comparison.
8. I have considered the aforesaid contentions and perused the paper book.
9. Investigation is complete. Challan/final report under Section 173 Cr.P.C. has been presented. All the material witnesses have been examined. The allegations against the petitioner and the counter-allegations raised by the petitioner are matter of trial. The custody of the under-trial petitioner is already substantial. The petitioner is in custody for a period of 01 year 03 months and 29 days. The statement of material witnesses has been recorded. The trial will take sufficient time to conclude. There is no apprehension of absconding the petitioner during the trial, as such, without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.
10. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
11. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18th July 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No