

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.17624 of 2024
Date of Decision: 26.04.2024

Ajay Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Omkar Chauhan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
594	Krishna Gate, Thanesar, Kurukshetra, District Kurukshetra	376 and 452 of IPC

2. Briefly stated, the facts relevant for disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint submitted by the prosecutrix “A” (name withheld) on 01.10.2023 alleging therein that on the same day, the petitioner who is son of her brother-in-law (Jeth) criminally trespassed into her house and firstly tried to sexually harass her and then forcibly committed rape upon her. She thereafter managed to rescue herself and after throwing him on the ground and bolting from outside the door of the room of her house wherein the petitioner was present, she made a call to the police at

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No.1091 and the petitioner was apprehended at the spot. Investigation proceedings were initiated. After registration of FIR, the petitioner as well as the prosecutrix were medically examined. After completion of usual formalities of investigation, challan was presented in the Court and presently, he is facing trial for commission of the aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court which was dismissed vide order dated 11.03.2024.

3. Learned counsel for the petitioner has submitted that the prosecutrix who was the star witness of the case has not supported the version of the prosecution in her sworn deposition as recorded before the learned trial Court and as such, nothing remains in the case. The petitioner is in custody since 01.10.2023. Trial is likely to take time. No useful purpose would be served by detaining him in custody any more and accordingly, it is urged that the petitioner deserves to be released on bail.

4. Per contra, learned State counsel has argued that there are specific allegations against the petitioner and, therefore, he does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record carefully.

6. Annexure P-3 is copy of sworn deposition of the prosecutrix as recorded before learned trial Court which reveals that she took a U-turn while appearing into the witness box and by stating that nothing had been done by the petitioner with her and by taking a somersault, she denied all the allegations as levelled by her at the time of lodging of FIR. As the most material witness of the prosecution has not supported the version of the prosecution, therefore, keeping in view that fact, coupled with the period of

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incarceration of the petitioner and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

26.04.2024
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(MANISHA BATRA)
JUDGE

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