



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-S No.1488 of 2024 (O&M)
Date of Decision: 20.12.2024

Dhoop Singh
...Appellant

Versus

State of Haryana and another
...Respondents

CORAM: *HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. Bhupender Singh, Advocate
for the appellant.

Mr. Reepu Dhaman Bansal, AAG, Haryana
for respondent No.1-State.

Mr. Devinder Singh, Advocate,
Legal Aid Counsel for respondent No.2.

MEENAKSHI I. MEHTA, J.

CRM No.21059 of 2024

The present application has been filed on behalf of the applicant-appellant for seeking permission to place various orders, passed by the trial Court and this Court and the CD of the video uploaded on the ‘Facebook’, on the record as Annexures A-1 to A-15 and Annexure A-16 respectively.

Heard.

Keeping in view the reasons as mentioned in this application, the same is allowed and Annexures A-1 to A-16 are taken on the record.

CRA-S No.1488 of 2024

By way of the instant appeal, the appellant has laid challenge to the order passed by learned Additional Sessions Judge (Special Court), Karnal



on 26.02.2024, whereby the application, moved by him for seeking the relief of regular bail in the criminal case arisen out of FIR No.130 dated 02.08.2021 registered at Police Station Women, Karnal under Sections 376(2)(n), 506 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC/ST Act') {wherein the offence under Section 376(2)(I) IPC is stated to have been added later-on}, has been dismissed and he has further prayed for granting him the above-said relief.

2. Bereft of unnecessary details, the allegations, as levelled by the informant-prosecutrix (here-in-after to be referred as 'P') in the subject FIR, are that the appellant sent a request to her on the '*Instagram*' for friendship and then, they met and the appellant started having sexual relations with her on the assurance/promise of marrying her but later-on, he refused to do so on the ground that she belonged to '*Valmiki*' caste.

3. Reply (by way of the affidavit of the Deputy Superintendent of Police, City Karnal), along-with two more documents (Annexures I & II), has already been filed on behalf of respondent No.1-State.

4. I have heard learned counsel for the appellant as well as learned State counsel for respondent No.1 and Legal Aid counsel for respondent No.2 in the present appeal and have also perused the file carefully.

5. At the time of addressing the arguments, learned counsel for the appellant has submitted the copy of the testimony of 'P' as recorded by the trial Court and he has pointed out that while appearing in the witness-box as PW-9, 'P' has not supported the version of the prosecution and has, rather, denied that the appellant had raped her and moreover, the appellant is behind the bars since 13.08.2021 and he has contended that in these circumstances, this appeal be allowed and the appellant be granted the relief of regular bail.



6. Learned State counsel and Legal Aid counsel for respondent No.2 have not disputed the afore-referred factual position but they have opposed the prayer of the appellant for extending the concession of regular bail to him.

7. Keeping in view the above-discussed undisputed facts and circumstances as well as the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the criminal case under reference, the instant appeal is hereby allowed and the impugned order dated 26.02.2024 is set-aside and resultantly, appellant Dhoop Singh is ordered to be released on regular bail on his furnishing the requisite personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2024
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No