



104+202 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-23978-2024 (O&M)
Date of decision: 29.05.2024

PARDEEP KUMAR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sarun Hans, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

CRM-23195-2024

This is an application under Section 482 of Cr.P.C. seeking permission for placing on record true photostat copy of Forensic Science Laboratory Report (FSL) by Sumandeep Kaur Senior Scientific Officer (Biology) dated 22.01.2024 as Annexure P-8.

For the reasons mentioned in the application same is allowed and photostat copy of FSL Report is taken on record as Annexure P-8, subject to all just exceptions.

CRM-M-23978-2024

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 1332 dated 19.12.2023 registered under Sections 328, 366, 376(2)(n), 376(2)(f) of Indian Penal Code at Police Station Sadar Hisar, District Hisar.

2. The present case was registered on the complaint dated 19.12.2023 moved by complainant-prosecutrix 'P' daughter of 'FS resident of



village 'S' District 'H'. Complainant-prosecutrix has alleged in her complaint that she is studying B.A. Second year. His cousin brother (petitioner herein) enticed her away on the pretext of coaching. Firstly he took her to Hisar where he showed her the coaching centre. Thereafter, he took her to Bus Stand where he provided her tea laced with some intoxicant substance and then took her to Bhiwani by bus. She was not having any phone. She tried to call her family from his mobile phone but his phone was locked. Thereafter, he took her from Bhiwani to Narnaunl, there in a hotel accused-petitioner Pardeep committed rape upon her. On 16.12.2023, petitioner- accused repeatedly committed rape upon her. On 17.12.2023, he took her to Behror, there he left her in a room of some company/ factory. Thereafter, her brother took her to village Sundawas. A prayer was made for taking strict action against the petitioner-accused. On the basis of said statement, case under section 328, 366, 376(2)(n), 376(2)(f) IPC was registered.

3. Learned counsel for the petitioner *inter alia* contends that complainant-prosecutrix is a mature girl of more than 20 years of age and she is studying in B.A. Second Year and there is nothing on record the corroborate the allegations made by her in the FIR(supra). Learned counsel further relies upon the CCTV footage and submits that complainant-prosecutrix herself sent a message to the petitioner from her mobile phone on 16.02.2023 and she was found standing alone. Further reliance has been placed upon the messages exchanged between the petitioner and prosecutrix, which proves that she joined the company of the petitioner with her own sweet will. It is further contended that nothing incriminating has come out in the medico legal examination of the prosecutrix. Moreover, the FSL report (Annexure P-8) is also negative qua the



allegations with regard to sexual assault. The petitioner is in custody since 22.12.2023.

4. Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that specific and serious allegations have been levelled against the petitioner by the prosecutrix in her statement recorded under Section 164 Cr.P.C. and there is sufficient material available on record to prove the complicity of the petitioner. However, learned State counsel could not controvert the fact that alleged incident took place on 16.12.2023 and medical examination of the prosecutrix was got conducted on 20.12.2024 and FSL report is also negative with regard to presence of any semen.

5. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner is behind the bars since 22.12.2023 and investigation of the case is complete and trial of the case is likely to take long time to conclude as out of total 16 prosecution witnesses, none has been examined so far. So further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

6. Accordingly, the present petition is allowed. The petitioner-Pardeep Kumar is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

May 29, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No