



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-41785 of 2023
Date of Decision: 07.08.2024

Pardeep Rawat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Keshav Pratap Singh, Advocate and
Mr. Rajat Singh, Advocate and
Ms. Tanya Kanwar, Advocate
for the petitioner

Mr. Raman Sharma, Addl. Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through instant petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.127 dated 18.10.2022 (Annexure P-1) under Sections 376, 342, 323, 506, 212, 120-B of Indian Penal Code, 1860 (for short 'IPC') (Sections 212 and 120-B IPC added later on) registered at Police Station Women Central Faridabd, District Faridabad.

2. The case of prosecution is that victim lodged afore-said FIR alleging commission of offence punishable under Sections 376, 342, 323, 506, 212, 120-B of IPC. As per FIR, the petitioner called the prosecutrix at



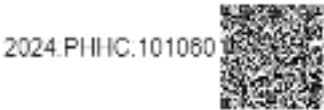
his flat, on the pretext of arranging her job. She is working as Physiotherapist. She visited the place informed by petitioner. She remained there for 5-6 hours and petitioner twice committed rape upon her.

3. Mr. Keshav Pratap Singh, Advocate submits that at the time of occurrence, the victim was 23 years old. The alleged incident took place on 11.10.2022 whereas FIR was lodged on 18.10.2022. There is no explanation of delay of 07 days in lodging the afore-said FIR. The complainant in her cross examination had disclosed that her clothes were torn in the alleged incident and she received injuries on her neck, hand and shoulder. The accused also suffered injuries on his face and eyes, however, in the Medico Legal Report, no injury either on the person of victim or accused was found. The prosecutrix and her father have been examined. The petitioner is not involved in any other offence.

4. Mr. Raman Sharma, Addl. A.G.Haryana confirms that out of total 24 witnesses, 04 have been examined till date. The petitioner is in custody since 14.04.2023 and he is not involved in any other offence. He opposes bail on the ground that petitioner has committed serious offence of rape.

5. I have heard counsel for the parties and perused the record with their able assistance.

6. The petitioner is in custody since 14.04.2023 and is not involved in any other offence as confirmed by learned State counsel. There are 24 prosecution witnesses and till date only four including prosecutrix and her father have been examined, thus, there is abysmally low possibility of conclusion of trial in near future. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of



petitioner fleeing from justice. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. Twin stringent conditions of bail prescribed under special statutes like PMLA, UAPA, NDPS Act, Companies Act are not applicable in the case in hand. Prosecutrix and her father stand examined. Petitioner is not involved in any other offence.

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.

8. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

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

(JAGMOHAN BANSAL)
JUDGE

07.08.2024
paramjit

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