

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-49160-2023

Date of decision: 06.03.2024

Amar Singh @ Dholu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.81 dated 26.04.2021 under Sections 376, 506 of the IPC registered at Police Station Nathusari Chopta, District Sirsa.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 19.05.2021 for allegedly committing rape upon the prosecutrix on 25.04.2021 when she accompanied her brother in law i.e. the petitioner for getting her ultrasonography done on account of some abdomen pain. Learned counsel submits that a highly improbable version has been brought forth that after administering sleeping pills to the prosecutrix, she was violated by the petitioner. He submits that the medico legal report does not reveal any external injury on the person of the prosecutrix. It has still further been submitted that the sole material witness i.e. the prosecutrix already stands examined and hence in the circumstances,

further incarceration of the petitioner would serve no useful purpose as there could be no apprehension of the petitioner influencing or intimidating the prosecution witnesses.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has informed the Court that there are serious allegations levelled against the petitioner of having committed rape upon his own sister in law. It has been further submitted that while stepping into the witness box as PW1, the prosecutrix had reiterated the allegations levelled against the petitioner and supported the case of the prosecution.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody for nearly 03 years having been arrested on 19.05.2021. As not disputed by the learned State counsel, the sole material witness in the case in hand i.e. the prosecutrix already stands examined, however, 13 prosecution witnesses still remain to be examined. In the circumstances, the trial is unlikely to conclude in the near future; further incarceration of the petitioner would also serve no useful purpose since there can be no possibility of the petitioner now intimidating the prosecutrix in any manner. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it

is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

06.03.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No