

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-64993-2023(O&M)  
Date of decision:08.04.2024

Bhudev .....Petitioner  
  
Versus  
  
State of Haryana .....Respondent

CORAM: Hon’ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Bhisham Kumar Majoka, Advocate  
for the petitioner.  
  
Mr. Kirpal Singh Thakur, AAG, Haryana.

Harpreet Kaur Jeewan, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 45 dated 28.04.2022 (Annexure P-1) under Sections 376(2)(n) & 506 of the IPC, registered at Police Station Women Police Station Palwal, District Palwal.
2. Notice of motion.
3. Mr. Kirpal Singh Thakur, AAG, Haryana, who is present in Court, accepts notice on behalf of the State and filed Custody Certificate of the petitioner in Court, which is taken on record. Custody Certificate reflects that the petitioner had undergone custody of 10 months and 16 days. The next date of hearing before the Trial Court is 26.04.2024.
4. The FIR was registered at the instance of the prosecutrix with the allegations that the petitioner had been threatening to kill her and he had been coming to her home, repeatedly committed rape upon her for the last 6 months.
5. Learned counsel for the petitioner contends that the petitioner is in custody since 19.05.2023. He has been falsely implicated in the present case. It is further contended that FIR has been got registered as a counter blast to the FIR

No.115 dated 27.04.2022 (Annexure P-2) registered at the instance of the petitioner against the father and family members of the complainant for brutal attack and inflicted severe injuries upon the petitioner and his wife. It is further contended that the petitioner and the prosecutrix are major and they were having friendship with their free consent. Reference of letter which was written by the prosecutrix has also been made (Annexure P-3).

6. On the other hand, learned State counsel informed the Court that investigation is complete, final report under Section 173 Cr.P.C has already been submitted in the Court, charges have been framed and statement of the prosecutrix has been recorded during the trial. Learned State counsel further informed that age of the prosecutrix is about 40 years. Now she has got married to someone else. It is further contended that semen could not be detected as per the FSL examination report.

7. In view of the aforesaid facts and circumstances of the present case, since the investigation is complete, final report has already been presented under Section 173 Cr.P.C. before the Trial Court, statement of the prosecutrix has already been recorded during the trial, as such there is no apprehension of tampering with the prosecution evidence. Keeping in view the custody period of the petitioner and in view of the fact that conclusion of the trial is likely to take time, the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.

8. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

8<sup>th</sup> April, 2024

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

[HARPREET KAUR JEEWAN]

JUDGE

Yes/No

Yes/No