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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-52136-2024

Date of Decision:- 04.02.2025

NAVRATTAN DUBEY ALIAS MUNNA

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Shiv Kumar, Advocate for petitioner.

Mr. Nidhi Garg, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.346 dated 12.07.2023 under Sections 376 and 450 IPC (Challan presented under Sections 376, 450 and 323 of IPC) registered at Police Station Saran, Faridabad, Haryana.

2. As per the facts of the case, prosecutrix gave her statement that on 12.07.2023 she was sleeping in the house when her brother came there and she opened the door. Her brother suggested that rain was about to come so she should bring down the clothes from the roof. She went upstairs to get the clothes and noticed that said brother was present in the room. She told him to come when other family members reach the home. On this he closed the door and committed forcible rape with her. She tried to resist and raised alarm but she was helpless. She was pushed, as a result

she sustained injury on her head. Thereafter, he left the house. Prosecutrix started crying and thereafter accused called people in the courtyard who started enquiring as to why she was crying. On the arrival of her mother, she disclosed everything to her. She was taken to the Hospital for her medical examination. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that allegations levelled against petitioner are false. He was arrested in this case on 14.07.2023 and since then he is behind the bars. Statement of said victim has been recorded as PW-1 (Annexure P-3) where she has not supported the prosecution case. Trial in this case may take long time. He is ready to face the trial. Therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed. Learned counsel representing State referred to the statement of victim recorded under Section 164 Cr.P.C. (Annexure R-2) where she fully supported her version. MLR of prosecutrix is Annexure R-1. Disclosure statement of petitioner was recorded which is Annexure R-3. Report of RFSL, Bhondsi, Gurugram is Annexure R-4 and the DNA report is still awaited. Apart from the prosecutrix, other witnesses are yet to be examined. Considering the allegations, it is submitted that petitioner is not entitled to be released on regular bail.

5. I have considered the aforesaid factual position and have gone through the record. At this stage, it cannot be ignored that prosecutrix has not supported her own version. Copy of her statement is Annexure P-3.

Petitioner is behind the bars since 14.07.2023. Trial of this case is likely to take some time. At present even DNA report has not been received. Trial Court will appreciate the evidence and documents on record during trial. Without expressing my mind on the merits of case, regular bail filed by petitioner Navrattan @Dubey @ Munna is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

04.02.2025
snd

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No