

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

CRM-M-19640 of 2015.

Date of Decision: 16.06.2015

Jagdeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.
Mr.Raj Kumar Makkad, DAG, Haryana.

Ramendra Jain, J.

This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.329 dated 28.03.2015 under Sections 376-D registered at Police Station City Panipat, District Panipat.

Brief allegations against the petitioner are that his accomplice-Sandeep, on the pretext of marrying the prosecutrix, committed repeated rape upon her. On one occasion, accomplice Sandeep brought the petitioner to the room of the prosecutrix and under the influence of intoxication, he too raped her, in the presence of his accomplice-Sandeep.

Learned counsel for the petitioner argues that the petitioner has falsely been implicated in the present case, inasmuch as, the prosecutrix is a married woman, having a son

aged around 05 years. It was not possible for him to commit sexual intercourse without her consent. The petitioner is behind the bars since 29.3.2015. The final report has already been presented, therefore, he may be released on bail.

On the other hand, learned counsel for the State has opposed the bail application on the premise that it is a case of gang rape with a married woman without her consent.

Heard.

The petitioner is in custody since 29.3.2015 and conclusion of trial may take sufficiently long time. Hence, no useful purpose would be served by detaining him behind the bars.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat.

16.06.2015
'yogesh/kd

(RAMENDRA JAIN)
JUDGE