

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-22592 of 2015

.....

Date of decision:4.9.2015

Mohit

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ashok Kaushik, Advocate for the petitioner.

Mr. Himmat Singh, Assistant Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.237 dated 17.4.2015 (Annexure-P.1)
registered for the offences under Sections 354, 506 and 34 IPC (and
Sections 376 and 511 IPC, which were added later on) at Police Station City
Palwal, District Palwal.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. Himmat Singh, learned
Assistant Advocate General, Haryana has put in appearance and accepted
notice on behalf of the respondent-State and contested this petition. Police
record is also available.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

The FIR in the present case has been registered on the statement of real sister of the petitioner. As per the allegations on 16.4.2015, her father was quarreling with her, her mother and her sister since morning. At about 2.00/3.00 O'clock, the complainant and her sister were in the room, then her brother (petitioner) came in the room, misbehaved and tried to rape her but he could not do so due to the presence of her sister and he said that he would get her raped from his friends and her father also helped him.

A perusal of the record shows that a matrimonial dispute is going on between the parents of the prosecutrix. At the time of arguments, some documents were shown to me by the learned counsel for the petitioner which show that earlier proceedings under Section 125 Cr.P.C. were filed by the sister and mother of the prosecutrix along with prosecutrix against Jiwan Lal-father of the prosecutrix and execution was also filed for the recovery of that amount. In this case the allegations are levelled by the sister against her real brother and father regarding attempt to rape and help by the father to the present petitioner.

The petitioner is no more required for any interrogation and investigation purposes as he is in judicial custody. Nothing is to be recovered from him. The petitioner is in judicial custody since 17.4.2015. The father of the prosecutrix has already been granted bail as argued. The

[3]

trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

September 4, 2015.

(Inderjit Singh)
Judge

hsp