

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-25479 of 2015
Date of Decision : 12.10.2015

Suleman

.....Petitioner

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr.Gautam Dutt, Advocate for the petitioner.
Mr. Kapil Aggarwal, Addl. A.G., Haryana.
Mr. Rajesh Bhhteja, Advocate for the complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.149 dated 29.11.2014 under Sections 323, 376, 506, 34 IPC, registered at Police Station Rojka Meo.

Learned counsel for the petitioner submits that this is the second petition under Section 439 Cr.P.C, first one was withdrawn on 25.5.2015, vide Annexure P-2. He further submits that petitioner is undisputedly more than 75 years of age. In this view of the matter, allegations against the petitioner under Section 376 IPC prima facie seems to be incorrect. He is inside the jail since 15.12.2014. He also submits that since prosecution evidence is still going on, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, as well as learned

counsel for the complainant submits that since the allegation against the petitioner is direct and serious, he is not entitled for bail pending trial. They pray for dismissal of the present petition.

Having heard learned counsel for the parties and after careful perusal of the record of the case, this court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said, because petitioner is an old man of about 75 years of age. In such a situation, it will be a debatable issue before the learned trial court, whether the petitioner, as a matter of fact, committed the offence under Section 376 IPC and that too, on his own daughter-in-law, particularly when other members of the family were present. Since the prosecution evidence is going on, conclusion of trial will take some time.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

12.10.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE