

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

CRM M-38428 of 2015

Date of decision : 19.11.2015

Jaibir

....Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vijay Kumar Sheoran, Advocate for the petitioner.

Mr. Sushil Jain, Addl. A.G. Punjab.

RAJAN GUPTA J.

This is a petition filed under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner vide FIR No. 262 dated 15.07.2014 under Sections 367/376/120B/451/354/506 IPC (challan presented under sections 367/376/451/354/506 IPC) at Police Station Bawani Khera, district Bhiwani.

Allegation against the petitioner is that on the intervening night of 30.05.2014, he committed rape on daughter of the complainant by threatening her with a knife.

Learned counsel for the petitioner submits that petitioner is in custody since 21.07.2014. Eight witnesses are yet to be examined and trial of the case may still take some time to conclude. Thus, no useful purpose would be served by detaining the petitioner in custody any longer.

Learned State counsel has opposed the prayer for bail. According to learned State counsel, prosecutrix not only made a

statement under section 164 Cr.P.C. but has already deposed before the trial court and supported the prosecution version.

I have heard learned counsel for the parties.

Keeping in view period of incarceration of the petitioner and the fact that material witnesses have already deposed, I am of the considered view that no useful purpose would be served by detaining the petitioner in custody any longer. Without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Accordingly, petition is allowed and petitioner is ordered to be enlarged on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

November 19, 2015

Ajay

(RAJAN GUPTA)
JUDGE