

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

CRM No.M-4018 of 2015

Date of Decision: 12.2.2015

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Chirag Wadhwa, Advocate for the petitioner.

Mr.Pravindra Singh Chauhan, Addl.AG Haryana for the State.

MEHINDER SINGH SULLAR, J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him, vide FIR No.386 dated 30.5.2014 (Annexure P1), on accusation of having committed the offences punishable under sections 323, 452 and 376 IPC, by the police of Police Station Model Town, Panipat.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this regard.
4. Although precisely, the prosecution, inter-alia, claimed that on 30.5.2014, the petitioner has committed sexual intercourse with the complainant-prosecutrix, aged 26 years w/o Rajender (name intentionally withheld), but at the same time, the bare perusal of FIR No.912 dated 24.11.2014 (Annexure P2) would reveal that the complainant and her other associates, have formed a gang to extract money from the innocent persons

in the garb of alleged rape committed by them. It is not a matter of dispute that three criminal cases have already been registered against the complainant and her other co-accused mentioned therein the FIR (Annexure P2). Therefore, in that eventuality, the possibility of false implication of petitioner by the same very complainant in this case cannot be ruled out at this stage.

5. Moreover, the petitioner was arrested on 1.6.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as described here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

(Mehinder Singh Sullar)
Judge

12.2.2015
AS