

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M No.42465 of 2014

Date of Decision:09.02.2015

Nooruddin

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.**

**Present: Mr.Jamshed Ahmed, Advocate,  
for the petitioner.**

**Mr.Pravindra Singh Chauhan, Additional Advocate  
General, Haryana, for the respondent-State.**

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**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 along with his other co-accused, namely, Sagoon son of Noor Mohd., Mustafa son of Subedar and Atte son of Dinu, vide FIR No.73 dated 30.04.2014, on accusation of having committed the offences punishable under Sections 376 and 506 IPC, by the police of Police Station Nagina, District Mewat.

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 assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on

24.04.2014, the petitioner and his other co-accused entered into the house of the prosecutrix and committed gang rape with her. It is not a matter of dispute that during the course of investigation, other co-accused Sagoon, Mustafa and Atte were found innocent and were exonerated by the police. Even, the application under Section 319 Cr.P.C. filed by the prosecutrix to summon them as additional accused, has already been withdrawn by her. Meaning thereby, the allegations levelled against indicated three similarly situated co-accused by the prosecutrix were found to be false by the police. In that eventuality, the possibility of false implication of the petitioner in the present case cannot be ruled out, at this stage. Moreover, there is a delay of six days in reporting the matter to the police without any explanation, much less cogent.

5. Not only that, the petitioner was arrested in this case on 01.05.2014. 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 conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed 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 the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

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

February 09, 2015  
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(**MEHINDER SINGH SULLAR**)  
JUDGE