

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

CRM-M-43980 of 2014

Date of Decision: 19.01.2015

Gurmeet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI.

Present: Mr. Anshul Mangla, Advocate for the petitioner.

Mr. Kapil Aggarwal, Addl. A.G., Haryana.

NARESH KUMAR SANGHI, J. (ORAL)

Prayer in this petition under Section 439, of the Code of Criminal Procedure, 1973, is for grant of regular bail to the petitioner, who has been booked under Sections 376-D, 506 IPC, Sector 6 of Protection of Children from Sexual Offences Act, 2012 and Section 67 of the Information Technology Act, 2000 in a case arising out of FIR No.70 dated 24.04.2014, registered at Police Station, Chappar, District Yamunanagar.

Learned counsel for the petitioner submits that the present FIR was registered at the instance of the prosecutrix wherein she had levelled allegations of sexual assault against the three accused including the present petitioner and copy of FIR has been placed on record as Annexure P-1.

Learned counsel for the State on instructions from ASI Tarsem Lal of Police Station, Chappar, District Yamunanagar

submits that he has gone through the statements of prosecutrix and her mother and they have specifically denied the involvement of the petitioner in the present case.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The copies of the statements suffered by the prosecutrix and her mother would reveal that during their deposition before the learned trial Court they had given a clean chit to the petitioner. They denied the fact that the petitioner was amongst the persons who committed rape on the prosecutrix. The lengthy cross-examination on the prosecutrix by the learned Public Prosecutor could not bring fruitful results for the prosecution. Ranjeet Singh, co-accused of the petitioner, had been granted the concession of bail by this Court vide order dated 17.11.2014.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed and petitioner Gurmit Singh s/o Rajji, resident of Village Saran, P.S. Chappar, District Yamuna Nagar is ordered to be released on bail during the pendency of the trial subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Yamunanagar at Jagadhri.

Before parting with this order it has come to the notice of this Court that charges in the present case were framed

on 27.7.2014 and thereafter the first date for recording the prosecution evidence was 27.08.2014 and thereafter the case was adjourned to 1.10.2014, 20.11.2014, 09.01.2015 and 25.2.2015. As per the proviso to Section 309(1) Cr.P.C., the trial Court dealing with the cases under Sections 376 to 376D of the Indian Penal Code has to conclude the trial within 2 months from the date of filing of the chargesheet but in this case, the said provision has not been followed.

In **Gurnaib Singh Vs. State of Punjab (2013) 3 SCR**

563, Hon'ble the Supreme Court emphasized that it is the prime duty of the trial Judge to monitor the criminal trial process and ensure that it takes place in accordance with the provisions of the Cr.P.C. The trial Court should not allow the parties or their counsel to control the trial process.

Learned trial Court is directed to send the photocopy of the said zimni orders passed, to this Court for perusal at the earliest.

The Office is directed to put up the interim (zimni) orders before this Court for perusal.

The police file brought by ASI Tarsem Lal is returned to him after perusal.

January 19, 2015

Mohan

(NARESH KUMAR SANGHI)
JUDGE