

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-3272 of 2016

Date of decision : 04.02.2016

Rohtash

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Amit Kumar Goyal, Advocate for the petitioner

Ms. Mahima Yashpal, AAG Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 366 dated 04.07.2015 registered at Police Station Kundli, District Sonapat under Sections 376 and 506 IPC.

Learned counsel for the petitioner urges that the present FIR is a counter blast to FIR No. 212 dated 11.05.2015 registered under Sections 323, 325, 34/506 IPC. It was urged that the complainant in this case is referring to an incident of rape one year ago and there is no date nor any MLR and 12 witnesses have been examined including the prosecutrix.

The petitioner is a neighbourer of the complainant. A dispute had arisen relating to the construction. An FIR was got registered by the petitioner in May 2015. In July 2015 the prosecutrix alleged rape by the petitioner. The incident was stated to be a year ago. There is no MLR. The petitioner is in custody since 08.07.2015.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

February 04, 2016

**(ANITA CHAUDHRY)
JUDGE**