

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

**Crl. Misc. No.M-45310 of 2016
Date of decision : 23.12.2016**

Baljit

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S. Redhu, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.38 dated 09.07.2016, registered under Sections 341, 376, 506 IPC, Police Station Women, Jind, District Jind.

Counsel for the petitioner contends that the FIR had been registered on the complaint given by his daughter against Krishan and Sandeep and only Krishan was challaned and then Sandeep, who is a Constable was summoned under Section 319 Cr.P.C. Counsel further contends that the wife of accused Krishan then lodged another FIR against the petitioner in February, 2016 and this is the third FIR. Counsel urges that the incident is said to have taken place on 08.07.2016 and the complainant alleges that she was going to the Court and she was waylaid and taken near the railway station and raped and the incident is said to have taken place in broad day light but no report was lodged on that day and the MLR is

conducted on the next day and it is a counter blast to the case registered by petitioner's daughter. Counsel submits that the petitioner is in custody since July, 2016. The counsel in order to show the connection between Dilbagh Singh who is the father-in-law of Sandeep has placed on record the statement under Section 164 Cr.P.C. given by Rekha on 09.07.2016.

There is a delay in the FIR. No marks of injury were found in the MLR. It is not clear whether any DNA test was carried out. The trial will take long time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate with the condition that the petitioner would not tamper with the evidence nor contact the complainant.

23.12.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No