

**Sr. No. 220
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M- 590 of 2016
Date of Decision: 05.02.2016**

Vikas

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sunny Bhardwaj, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.90 dated 12.04.2015, under Sections 365, 34 of Indian Penal Code, registered at Police Station Loharu, District Bhiwani.

Counsel for the parties have been heard.

FIR came to be registered on the statement of complainant Budhi Nidhi. Complainant's version is that the present petitioner along with another person had come in a camper vehicle at a bus stop where the complainant was waiting to board a bus and offered to drop her at a particular destination. Allegations are that having boarded the vehicle, she was served intoxicant and having become semi-conscious was put in another vehicle and was dropped at Village Pokarwas. Further allegations are that the present petitioner came there and then made the complainant to sit in the

vehicle yet again and then resorted to giving beatings and had even pressed the neck of the complainant.

Petitioner was arrested on 08.07.2015.

It has gone uncontroverted that as per MLR of the complainant, no injury has been found on her person. Even as per report of the Chemical Examiner and FSL report no drug was found in the test carried out on the girl.

Court has been informed that even co-accused Amarjeet whose name even though had not been figured in the FIR initially but had been nominated as an accused subsequently has been granted benefit of bail by this Court in the light of order dated 01.12.2015 passed in CRM No. M-37238 of 2015.

During the course of trial, the complainant has already been examined. It is not the case made out on behalf of the State that if the petitioner is granted benefit of bail he would be in a position to hamper the course of trial.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail. Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

Disposed of.

05.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**