

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 3088 of 2016
Date of decision : 24.09.2016

Farman Ali

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Aditya Sanghi, Advocate for the petitioner

Mr. Sandeep Vashisth, DAG Haryana

Mr. Parmod Parmar, Advocate for the complainant

ANITA CHAUDHRY, J. (ORAL)

By way of present revision, petitioner is challenging the order dated 09.08.2016 passed by Addl. Sessions Judge declining regular bail in FIR No. 8 dated 14.09.2015 registered at Police Station Women Police Station, Jhajjar, District Jhajjar, Haryana under Sections 376, 506, 120-B IPC.

The petitioner is in custody since 26.09.2015. Allegations were levelled by the complainant of rape against the brother-in-law. She had also named the husband and the mother-in-law to be party to the arrangement. The police had challaned only the brother-in-law.

Learned counsel for the petitioner contends that the petitioner is a juvenile and the FIR was lodged after delay of six days and in the MLR there is no injury.

The statement of the prosecutrix has been recorded. The petitioner's custody is over one year. The complainant had moved out from that house. On the last date it had been stated that the prosecutrix was not stepping into the witness box. A short date was given to see that her statement was recorded. The case was fixed yesterday. The statement of the prosecutrix has now been recorded.

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 with a condition that petitioner will not contact the complainant or her family in any manner.

September 24, 2016

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(ANITA CHAUDHARY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No