

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

Crl. Misc. M-17144 of 2017 (O&M)
Date of Decision: December 06, 2017

Avinash @ Kinnu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravinder Malik, Advocate
for the applicant-petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-27865-27866-2017

These applications have been preferred for amending the petition and for placing on record the amended petition.

For the reasons mentioned in the applications, the same are allowed and the amended petition is taken on record.

Main case

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.93 dated 21.05.2015, under Sections 323, 324, 307, 452, 376-D, 511, 506 of Indian Penal Code, Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 25/54/59 of Arms Act, registered

at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 24.05.2015. It is also contended the petitioner is falsely implicated in the present case. It is submitted that out of total 17 witnesses, 04 witnesses have been examined and 01 witness has been given up. It is also contended that statement of the prosecutrix has been recorded and conclusion of trial is likely to take sufficient time, therefore, petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail, while not disputing the fact statement of the prosecutrix has been recorded.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 24.05.2015 and that statement of the prosecutrix has been recorded, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 06, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No