

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

CRM No. M-191 of 2017

Date of decision: 18.03.2017

Ravi Kumar

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Jai Vir Yadav, Advocate, for the petitioner.

Mr Ramesh Kumar, Assistant Advocate General, Haryana.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 632 dated 11.06.2016 registered under Sections 323, 376 (D) and 506 of the Indian Penal Code (for short 'IPC') at Police Station Chandnibagh, Panipat, later charged under Sections 323, 376 and 506 of the IPC.

It is submitted that false implication of the petitioner is implicit. The prosecutrix has averred that three persons committed the offence. However, two of them were found innocent during investigation. The place of occurrence is surrounded by a number of small rooms, occupied by various other persons. Furthermore, as per the medico legal report, there is no injury, external or internal on the person of the prosecutrix. It is further submitted that the prosecutrix, who is over 23 years of age, married and having a child, is not even coming forward to depose before the learned trial Court. Bailable warrants were issued twice for securing her presence and when she still did not appear, non-bailable warrants have now been issued. It is thus, prayed that the petitioner, who is not involved in any other case, be afforded the benefit of bail pending trial.

Learned counsel for the State on instructions from ASI Rajinder Singh affirms that the prosecutrix is not coming forward to depose in this case. Now non-bailable warrants have been issued for securing her presence. The site plan produced in Court today indicating the place of occurrence is not disputed.

Heard learned counsel for the parties.

The petitioner has been in custody since 12.06.2016. No recovery is to be effected from him. Trial in this case is not likely to conclude in the near future. He is admittedly not involved in any other case. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Consequently, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner shall be released on bail pending trial in case FIR No. 632 dated 11.06.2016 registered under Section 323,376 (D) and 506 of the IPC at Police Station Chandnibagh, (later charged under Sections 323,376,506 IPC), subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

None of the observations in this order shall be construed to be a reflection on the merits of the case and shall have no bearing on the trial.

(LISA GILL)
JUDGE

18.03.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*