

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

CRM-M-29923-2017 (O&M)
Date of decision : 07.12.2017

Jagmender

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.P. Chahar, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Joginder.

Mr. Jaivir Chandail, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.52 dated 03.03.2017, registered under Sections 376-D of the Indian Penal Code, at P.S. Kalanaur, District Rohtak.

Contents that in the initial version, i.e. complaint dated 16.05.2016 (Annexure P-2), moved by the complainant before the SSP, Rohtak, there is no allegation qua Section 376D IPC. The instant FIR (Annexure P-1), which came to be registered on 03.03.2017, is an entirely improved and exaggerated version. Even in the petition filed by the complainant on 01.07.2016, under Section 125 Cr.P.C. before the Family Court at Delhi, there is no allegation of sexual assault.

On the other hand, learned State counsel on instructions, submits that the charges have already been framed and out of 22 prosecution witnesses, 06 have already been examined. Now, an application under Section 319 Cr.P.C. has been moved by the prosecution for summoning

mother of the petitioner.

Heard.

The petitioner is in custody since 25.03.2017. Sixteen prosecution witnesses are yet to be examined. The fact that the allegations of sexual assault do not find mention in the complaint (Annexure P-2) which is prior in time, is also a circumstance in favour of the petitioner.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.12.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No