

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

CRM-M-30545-2017 (O&M)
Date of decision : 08.09.2017

Vijay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhijat Gaur, Advocate for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Surender Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.151 dated 03.12.2016, registered under Sections 452, 354-A and 376 read with Section 511 of the Indian Penal Code, at P.S. Mohana, Distt. Sonapat.

It is contended that the petitioner has been falsely implicated in the instant case. There is no allegation of attempt to commit rape in the FIR. The allegation of rape was levelled after three days of lodging the FIR. The petitioner is in custody since 03.12.2016. All the material prosecution witnesses including the prosecutrix stand examined.

On the other hand, learned State counsel has opposed the instant petition on the ground that serious allegations of rape have been levelled against the petitioner. On instructions, she states that the trial is in progress and out of 17 prosecution witnesses, 9 already stand examined, including the complainant-prosecutrix.

Heard.

Keeping in view the facts that the allegation of attempt to commit rape did not form part of the FIR; the petitioner is in custody since 03.12.2016; and the material witnesses already stand examined; this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

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 his 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.

08.09.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No