

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

CRM-M-31148-2017 (O&M)
Date of decision : 08.11.2017

Devender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Surender Lamba, Advocate,
for Mr. Vikas Lochab, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by SI Prem Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.233 dated 23.03.2017, registered under Sections 120-B, 376(2)(N) and 506 of the Indian Penal Code, at P.S. Model Town, Panipat.

Contents that there is an inordinate and unexplained delay of more than 3 years and 4 months in lodging the FIR. Co-accused Ravinder (brother of the petitioner) and Abhimanyu (brother-in-law of the petitioner) were found innocent by the police. The trial is not progressing as an application under Section 319 Cr.P.C. has been moved to summon co-accused Ravinder and Abhimanyu. The petitioner is in custody since 23.03.2017. The alleged obscene photographs have not been recovered.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that the petitioner and the prosecutrix are cousins. He forcibly committed rape upon the prosecutrix and clicked obscene photographs which were shown by him

to her fiancé due to which her engagement was broken. She further informs that 17 witnesses have been cited by the prosecution, however, none has been examined so far.

Heard.

The petitioner is in custody since 23.03.2017. There is a delay of more than three years in lodging the FIR. None out of 17 prosecution witnesses has been examined so far, it can safely be inferred that the conclusion of trial may take considerable time.

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.

08.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No