

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

**CRM No. M-36477 of 2016
Date of decision: 07.03.2017**

Manoj

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Amit Choudhary, Advocate, for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 35 dated 30.04.2016 registered under Sections 365,328,376-D and 506 of the Indian Penal Code (for short 'IPC') at Police Station Women Kaithal, District Kaithal.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the complainant had friendly relations with the co-accused, Amit. There is evidence on record in the shape of call details record, reflecting that the prosecutrix and the co-accused, Amit had been in touch even after the alleged incident. However, in the FIR the name 'Amit' has not been mentioned. He is referred to as 'the other boy'. His name appears in the supplementary statement of the prosecutrix. Co-accused Amit is also alleged to have violated the prosecutrix. Amit was granted the concession of bail pending trial by this Court on 14.09.2016 vide Criminal Miscellaneous No. M-29489 of 2016. Learned counsel for the petitioner claims parity with co-accused, Amit. Furthermore, the prosecutrix/victim it is submitted has already testified before the learned trial Court. Her cross-examination has also been conducted. It is thus, prayed that this application be allowed.

Learned counsel for the State does not dispute that the prosecutrix has since testified before the learned trial Court and 15 witnesses are yet to be examined in this case.

From the facts and circumstance noted above, it is apparent that the trial in this case is not likely to conclude in the near future. The co-accused, Amit who is also alleged to have violated the prosecutrix has been granted bail pending trial by this Court as noted above. The petitioner is in custody since May, 2016. His further incarceration is not called for in the present factual matrix.

Therefore in the given circumstance, without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial in case FIR No. 35 dated 30.04.2016 registered under Sections 365, 328, 376-D and 506 of the IPC at Police Station Women Kaithal, District Kaithal subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

(LISA GILL)
JUDGE

07.03.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*