

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

Crl. Misc. M- 38564 of 2017 (O&M)
Date of Decision: October 24, 2017

Mahi Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manish Verma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 12 dated 25.2.2017, under Sections 376 and 506 of the Indian Penal Code registered at Police Station Women Police Station, District Panchkula.

Learned counsel for the petitioner contends that the allegations as made out in the FIR are not sustainable and that the victim was a consenting party. It is also argued that there are discrepancies in the statements that have already been recorded. It is also contended that statement of the prosecutrix has been recorded, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-

State, on instructions from the Investigating Officer, opposes the bail application, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

I have heard learned counsel for the parties.

In view of the fact that the statement of the prosecutrix has been recorded and only 3 witnesses out of 15 have been examined and the trial is likely to take some time, no useful purpose would be served in keeping the petitioner in custody. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

October 24, 2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No