

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

Crl. Misc. M- 38894 of 2017 (O&M)
Date of Decision: December 15, 2017

Adul Kalam alias Abdul Kalam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Sandhu, Advocate for
Mr. Jagmohan S. Ghumman, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.106 dated 09.08.2017, under Sections 354, 376, 506 of Indian Penal Code, registered at Police Station Industrial, Sector 7 Manesar, District Gurugram.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 09.08.2017. It is submitted that the petitioner is falsely implicated in the present case. It is also contended that investigation is complete, as the challan has been presented and charges have been framed, 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 grant of regular bail, while submitting that offences against the petitioner are serious in nature, therefore, the petitioner is not entitled to be released on bail. It is also submitted that charges in this case have been framed on 13.12.2017 and the case is now fixed for 13.03.2018 before the trial court for evidence of the prosecution.

Apart from above, this court is also informed that the young prosecutrix is now residing with her maternal grand parents.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 09.08.2017 and that investigation is complete, as the challan has been presented and charges have been framed, no useful purpose would be served in keeping the petitioner behind bars. 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.

December 15, 2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No