

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

CRM-M-43881-2017 (O&M)
Date of decision : 18.12.2017

Monu @ Manbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vinod S. Bhardwaj, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana,
assisted by ASI Harish Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.125 dated 09.07.2017, registered under Sections 376 read with Section 511, 456 and 506 of the Indian Penal Code, at P.S. Baund Kalan, District Charkhi Dadri.

Contents that as per the FIR, the petitioner allegedly tried to commit rape upon the prosecutrix. On raising alarm, the petitioner ran away from the spot. As per the statement of Mahabir, recorded during investigation, he did not identify the petitioner. The alleged incident took place on 03.07.2017, whereas, the complaint was lodged on 09.07.2017. The petitioner is in custody since 18.07.2017.

On the other hand, learned State on instructions, submits that as the husband of the prosecutrix was out of village, the delay in lodging the FIR occurred. The prosecution has cited 13 witnesses and none has been examined so far.

Heard.

The challan has been filed and the charges stand framed against

the petitioner. The trial is yet to commence as none out of the 13 cited prosecution witnesses has been examined so far. Thus, it can safely be inferred that the conclusion of the trial may take considerable time. The petitioner is in custody since 18.07.2017.

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.

18.12.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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