

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-12529 of 2018
Date of Decision: 03.4.2018**

Mohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Susheel Gautam, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Satish.

Mr. Ashok Bhardwaj, Advocate
for the complainant.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 104 dated 25.5.2017 registered at Police Station Sanoli, Panipat, District Panipat under Sections 306, 452, 120-B, 34 IPC.

Counsel for the petitioner contends that the petitioner is in custody since May 2017 and the alleged incident has taken place at 11.00 P.M. and the complainant was not present at the spot and the girl was taken to the hospital only at 2.00 A.M. The counsel urges that the girl was having an affair with the petitioner and they have the call details which would show that they were in constant touch and there was no earlier complaint. He also submits that the charge has been framed under Section 305, 452 IPC. He further states that the complainant has been examined.

The call details which were available with the petitioner were

also shown in the Court.

The petitioner is in custody for almost 11 months. The complainant has been examined. The complainant was not present on the spot. He was living in another village. The complainant has admitted that his daughter was using a mobile number. There are calls made from that mobile to the petitioner's mobile. The trial Court after the trial will find if it was a case of instigation, aiding or abetment.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

April 03, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No