

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

CRM-M No. 20841 of 2018

DATE OF DECISION :- October 06, 2018

Naresh @ Nesha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

This petition for regular bail has been filed by petitioner Naresh @ Nesha, an accused in F.I.R. No. 157 dated 07.12.2017 for offences under Sections 376/511 IPC (Section 354B IPC added later on) registered with Police Station Moohana, District Sonapat.

Briefly stated the facts of the case as per the prosecution story are that the prosecutrix wife of Krishan, resident of village Chitana is working in D.A.V. School, Police Lines, Sonipat as a Peon. On 6.12.2017 at about 4.30 P.M. when she was standing near liquor vend of village Jua for going to her village, in the meanwhile a boy riding motor cycle came from the village side. The prosecutrix gave her signal to stop and after enquiring from him as to which side he was going then she sat on the pillion of the motor cycle. While they reached the area between Jua and Chitana then the boy stopped the motor cycle and tried to commit rape with her. The

prosecutrix managed to escape and ran away and then the matter was reported to the police.

On the basis of her statement, formal F.I.R. was registered. Investigation in the case started. Accused was arrested in this case on 11.1.2018. After completion of investigation challan against him was prepared and filed in the Court. The trial against him proceeded. He had moved an application for regular bail before the Court of Sessions but the same was dismissed, as such he has approached this Court for grant of similar relief, which request is opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that petitioner is not named in the F.I.R.. During the course of trial the prosecutrix has categorically stated that petitioner accused was not the person who had tried to commit rape upon her, as such bail be granted to the petitioner. Though the request is being opposed by the State counsel, I find that the star witness for the prosecution has not supported its case with regard to the accused. The trial is likely to take some time. I find that it would be in fitness of things if the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Sonapat subject to the following conditions : -

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the

prosecution witnesses.

- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

October 06, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No