

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

CRM-M- 31401-2018 (O&M)

Date of Decision: October 30, 2018

Ashok Jain

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikram Punia, 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. 206 dated 12.03.2018, under Sections 354, 376, 511 of Indian Penal Code, registered at Police Station City Sonapat, District Sonapat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 12.03.2018. It is submitted that the petitioner has been falsely implicated in the present case while relying upon the statement given by the prosecutrix before the trial Court in which she has categorically admitted that there was only an attempt made to commit rape upon her, inter-alia, also argued that the statement of the prosecutrix would reveal that she has denied any medical examination

done and that the conclusion of trial will take sufficient time, 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 to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that statement of the prosecutrix has been recorded and that 13 witnesses have been examined including the material witnesses.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 12.03.2018 and that statement of the prosecutrix has been recorded and that 13 witnesses have been examined including the material witnesses, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion 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 30 , 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No