

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

Crl. Misc.M- 38133-2018 (O&M)

Date of Decision: September 07, 2018

Pawan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, 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. 99 dated 16.03.2018, under Sections 363, 366-A of Indian Penal Code, registered at Police Station Dadri City, District Charkhi Dadri.

It is contended that a reading of the statement of prosecutrix under Section 164 Cr.P.C. suffered on 19.03.2018 before the Sub-Divisional Judicial Magistrate would show that she had left her house and went towards Rajasthan on “account of anger”.

Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in the present case and that he was taken into custody in the aforesaid FIR on 19.03.2018. It is also contended that

challan has been presented 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, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, he does not dispute the fact that challan has been presented and that out of total 15 witnesses, 02 material witnesses have been examined.

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 19.03.2018 and that the challan has been presented and that out of total 15 witnesses, 02 material witnesses have been examined, 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.

September 07, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No