

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

Crl. Misc. No.M-48559 of 2017

Date of decision : 19.01.2018

Shiv Om

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Chander Shekhar Singhal, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No.251 dated 18.09.2017, registered under Sections 328 & 376 IPC, Police Station Salhawas, District Jhajjar.

The petitioner is in custody since 02.09.2017. Charge has been framed.

Counsel for the petitioner contends that the FIR had been lodged against an unknown person but a supplementary statement was given and she named the petitioner. The counsel has placed on record the call details and states that the petitioner was known to the complainant they have exchanged a number of phone calls and the very basis of the complaint gets falsified and the trial would take time and bail may be allowed to him.

In the supplementary statement, the complainant has given the detail of the vehicle used and the name of the person who had ravished her.

The petitioner has placed on record the call details to show that they were known to each other. In that case, the complainant could have given the name of the accused in the first statement. The petitioner is in custody for over four months. It will have to be ascertained whether it was a case of consent.

The trial will take time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate with a condition that he would not tamper with the evidence or contact the complainant.

19.01.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No