

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

CRM-M- 50880-2018 (O&M)

Date of Decision: November 26, 2018

Mahabir Parsad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Chanderhas Yadav, 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. 58 dated 11.09.2018, under Sections 376, 354-A, 376-D, 506 of Indian Penal Code, registered at Police Station Women Police Station, Manesar, Gurugram, District Gurugram, Haryana.

Learned counsel for the petitioner at the very outset contends that the matter has been investigated and the challan has been presented. It is further argued that allegations of offence under Section 376 have been made out against the main-accused Ramesh, who is now released on regular bail as allowed by the learned Sessions Judge, Gurgaon vide order dated 13.11.2018. Learned counsel further contends that the petitioner herein was taken into custody in the aforesaid FIR on 13.09.2018. It is submitted that

the petitioner has been falsely implicated in the present case. It is also argued that the complainant has not identified the main accused- Ramesh in the identification test conducted. It is also argued that the only offence the petitioner stands arrested is under Section 354-A IPC as the petitioner had touched the body of the complainant and that the conclusion of the trial would take 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 the matter has been investigated and that the challan has been presented.

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 13.09.2018 and that the investigation in the matter is complete and the challan has been presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting 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.

November 26, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No