

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

Crl. Misc. M-8477 of 2018 (O&M)
Date of Decision: March 19, 2018

Naseem

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H.S. Saini, 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.51 dated 01.05.2017, under Sections 376-D, 328, 384, 385, 406, 501, 506, 120-B, 34 of Indian Penal Code and Sections 66-E, 67-A of Information Technology Act, registered at Police Station Women, Palwal.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 05.05.2017, while submitting that the prosecutrix herself (along with her mother) refused to get the medical examination done. It is submitted that there is nothing on record that any such photographs, as alleged of the prosecutrix, have been uploaded on the social network. It is argued that 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 nude photographs of the parties concerned had been found in the mobile phone of the petitioner.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time to conclude and in view of the facts that the petitioner herein has been in custody since 05.05.2017 as well as the fact that the prosecutrix herself had refused to get the medical examination done, it is a fit case to grant the regular bail to the petitioner. 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.

However, it is made clear that anything observed by this court is only limited for the purpose of deciding the instant petition and not to be construed as an opinion on the merits of the case.

March 19, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No