

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+215

CRM-8587-2019 and
CRM-28474-2019 in/and
CRM-M-1676-2019(O&M)

Date of Decision:18.09.2019

Vinod Kumar

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Mandeep Kumar Dhot, Advocate,
for the petitioner.

Mr. Deepinder Brar, APP, UT, Chandigarh.

HARI PAL VERMA, J.(Oral)

CRM-8587-2019

Prayer in this application filed under Section 482 Cr.P.C. is for
placing on record copy of challan dated 21.12.2018 (Annexure P-4).

Application is allowed, as prayed for. The copy of challan
(Annexure P-4), is taken on record.

CRM-28474-2019

Prayer in this application filed under Section 482 Cr.P.C. is for
placing on record copies of statements of the prosecutrix (Annexure P-5).

Application is allowed, as prayed for. The copies of statements
of the prosecutrix (Annexure P-5), are taken on record, subject to all just
exceptions.

CRM-M-1676-2019

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during the pendency of trial in FIR No.412 dated 17.10.2018 under Sections 376, 506, 511 IPC, registered at Police Station Sector-39, Chandigarh.

Learned counsel for the petitioner states that apart from the fact that the petitioner is in custody since 17.10.2018, only 04 witnesses have been examined in the case, whereas 12 witnesses have been cited by the prosecution. He further states that the petitioner is about 51 years of age and he has falsely been implicated in the case as the petitioner is a witness to the agreement to sell entered between the mother of the prosecutrix and one Savitri. Moreover, mother of the prosecutrix has issued a cheque for an amount of Rs.23,50,000/- in discharge of payment in terms of the agreement to sell entered between the parties and on its presentation, the cheque was bounced. He refers to the statement of the prosecutrix recorded on 04.07.2019 wherein even the prosecutrix has stated that on two or three occasions she has gone with the accused to see the house which was subject matter of agreement and thus the prosecutrix and her mother were taken to the house sought to be purchased i.e. House No.268, Gulmohar Complex, Desu Majra, Kharar.

Learned counsel appearing on behalf of U.T., Chandigarh has argued that the allegations against the petitioner are serious. The victim is a MBA student and on the relevant date of incident, the petitioner has come to the house of the victim when she was alone and has touched her inappropriately.

Heard learned counsel for the parties.

There is no dispute as regards execution of the agreement to sell entered between the mother of the prosecutrix and one Savitri. In that agreement, the petitioner was cited as a witness, however, when the cheque issued by the mother of the prosecutrix was presented and was dishonoured. It is apparent in the statement of PW1 during trial. Furthermore, out of 12 witnesses cited by the prosecution, only 04 witnesses have been examined so far. In this manner, trial in the case is not likely to be concluded in the near future. Petitioner is in custody since 17.10.2018. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

September 18, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No