

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-7153-2019 (O&M)

Date of Decision:03.04.2019

Manjeet

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.427 dated 25.10.2018 under Sections 323, 354, 452, 506 IPC (the offences punishable under Sections 376, 511 IPC were added later on), registered at Police Station Badhra, District Charkhi Dadri.

Learned counsel for the petitioner states that the offences punishable under Sections 376, 511 IPC were added later on. Petitioner is in custody since 15.11.2018. Even otherwise, there is no allegation of rape having been committed by the petitioner upon the prosecutrix. Earlier also she has lodged an FIR against the petitioner.

Learned State Counsel does not dispute the custody. However, she states that though initially, FIR was registered under Sections 323, 354, 452, 506 IPC, but later on Sections 376, 511 IPC were added in the case.

The petitioner has entered the house of the prosecutrix and started beating

and tried to commit rape upon her when she was alone in the house.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 15.11.2018. The allegation against the petitioner is that he has tried to commit rape upon the prosecutrix. The prosecutrix has been examined in the case. The argument of the learned State Counsel that three more cases are registered against the petitioner is required to be considered during the course of trial, more particularly when in another FIR No.226 dated 06.10.2017, the prosecutrix is again the complainant. As against total 14 witnesses cited by the prosecution, only 05 witnesses have been examined so far. Trial in the case will take sufficient long time, this Court finds that the petitioner deserves to be admitted 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. The trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

April 03, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No