

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

CRM-M-37082 of 2019.

Decided on:- September 24, 2019.

Manish Mittal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.87 dated 03.05.2019 under Sections 328, 376 and 120-B IPC registered at Police Station Women, District Panipat.

Learned counsel for the petitioner refers to the FIR registered at the behest of the prosecutrix and states that there is no allegation against the petitioner for commission of the offence of rape. The only allegation against the petitioner is that he had come along with co-accused Mika and thereafter, she was taken to the office of the petitioner and the petitioner left his office. The allegation of rape, if any, is against co-accused Mika. The petitioner is in custody since 03.06.2019 and conclusion of the trial is likely to take a long time.

Learned State counsel, on instructions from ASI Sushila Devi, though does not dispute the custody of the petitioner, but states that the

evidence of the prosecutrix is to be recorded before the trial Court on 17.10.2019.

I have heard learned counsel for the parties.

Having a glance to the FIR so attached with the petition, this Court finds that there is no allegation so far as the allegation of rape having been committed upon the prosecutrix by the petitioner. At the most, the allegation against the petitioner is that he had accompanied co-accused Mika and had taken the prosecutrix to his office. The petitioner is in custody since 03.06.2019 and conclusion of the trial is likely to take a long time. In this manner, when the culpability of the petitioner is yet to be established during trial, this Court finds that the petitioner deserves to be admitted on bail.

Therefore, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 24, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No