

106.

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

CRM-M-40593-2019

Date of decision: 10.12.2019

VIRENDER

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jitender Nara, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, 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 case FIR No.269 dated 03.06.2019 registered under Sections 376-D, 420, 34 of IPC at Police Station Mahendergarh City, District Mahendergarh.

Counsel for the petitioner states that apart from the fact that the alleged incident is of dated 29.07.2017, the present FIR has been registered on 03.06.2019 i.e. after 2 years of the incident. He further states that on 31.07.2017, the prosecutrix had appeared before the Executive Magistrate, Mahendergarh, but she had not made such allegation against the petitioner as regard rape having been committed upon her on 30.07.2017.

Counsel for the petitioner has produced certified copy of judgment dated 16.12.2008 passed by learned Sessions Judge, Narnaul, in compliance of order dated 15.11.2019 passed by this Court, which is taken on record.

Learned State counsel, on instructions from SI Krishna Devi, has informed this Court that challan in the case been presented, though one co-accused Mohinder has died, whereas the other co-accused, who is the wife of the petitioner, namely, Suman, is yet to be arrested in the case.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 04.06.2019 and the present FIR has been registered after about 2 years of the incident and there is no such medical on record to substantiate the very allegation, at this stage, 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 his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

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

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

10.12.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No