

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

203

CRM-M No.1193 of 2020

Date of Decision: June 5th, 2020

Dharmender @ Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.93 dated 10.02.2019 registered under Sections 346, 366, 342, 376, 406, 506 IPC at Police Station Central, Faridabad.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. The prosecutrix on her own, as per her admitted case, had gone to the petitioner and stayed with him. He asserts that the statement of the prosecutrix stands recorded by the trial Court. Out of the 19 witnesses, 5 witnesses have been examined and there are still 14 witnesses to be examined. Petitioner is in custody since 16.07.2019 and the next date of hearing is 22.07.2020. The trial is not likely to conclude soon and the material witness having been examined i.e. the prosecutrix, continuation of the petitioner in custody would not serve any purpose. Prayer has thus been made for the grant of benefit of regular bail.

On the other hand, learned counsel for the State, with reference to the statement of the prosecutrix under Section 161 Cr.P.C. as also Section 164 Cr.P.C., asserts that there are serious allegations, which have

been made against the petitioner. He contends that the petitioner, therefore, does not deserves the concession of bail.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the prosecutrix is about 24/25 years of age and also a graduate, further that her statement stands recorded by the trial Court and as of now only 5 witnesses have been examined out of total 19 witnesses, the trial is not likely to conclude in near future, petitioner is in custody for about 11 months and the next date of hearing before the trial Court is 22.07.2020, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

June 5th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No