

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

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(PROCEEDINGS THROUGH V.C.)

CRM-22853-2020 &

CRR-99-2020

DATE OF DECISION: SEPTEMBER 16, 2020

Sohail

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in Criminal Misc. No.22853 of 2020 is for preponing the
date of hearing of the main revision petition.

Notice of the application to the Advocate General, Haryana.

On the asking of the Court, Ms.Tanisha Peshawaria, Deputy
Advocate General, Haryana, accepts notice.

For the reasons mentioned in the application, the same is
allowed.

Hearing of the revision petition is preponed to today and the
same is taken on board.

CRR-99-2020

Custody certificate dated 16.09.2020 of the petitioner filed
through Superintendent, Place of Safety, Madhuban, Karnal, has been

received through mail. According to the said certificate, petitioner is in custody for last 1 year 7 months and 17 days.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He asserts that the as per the statement of the prosecutrix recorded under Section 164 Cr.P.C., the petitioner appears to have been falsely implicated in this case. Assertion has also been made that the trial is not likely to conclude in near future, especially in the prevailing circumstances. Apart from that, it is asserted that the petitioner has already been in custody for long period and no useful purpose will be served if further custody of the petitioner is permitted. Counsel for the petitioner also submits that the petitioner would not enter the village of the prosecutrix and would stay in some other village so that the apprehension as expressed by the Courts below with regard to the petitioner influencing the prosecutrix because of he being the neighbourer, can be ruled out.

On the other hand, learned counsel for the State asserts that there are serious allegations against the petitioner and, therefore, the Courts below have rightly considered the said aspect and rejected the application for bail of the petitioner.

The factual aspect with regard to custody period could not be disputed by counsel for the State.

I have considered the submissions made by counsel for the parties and keeping in view the statement made by counsel for the petitioner that the petitioner would not enter the village of the prosecutrix, would, therefore, obviate the apprehension, which has been pointed out by the courts below, while rejecting the application of the petitioner for grant of

bail. The trial is not likely to conclude in near future, especially in the light of prevailing circumstances; that the petitioner being in custody for 1 year 7 months and 17 days, 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, Panipat. It is made clear that as per the statement made by counsel for the petitioner, the petitioner shall not enter the village of the prosecutrix and in case of violation of the said statement made by counsel for the petitioner, the bail as granted by this Court, shall be deemed to have been dismissed.

**September 16, 2020
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No