

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

CRM-M-3162-2020 (O&M)  
Decided on : 30.01.2020

Alisher

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Lakshay Bajaj, Advocate  
for the petitioner.

Mr. D.R.Singla, DAG, Haryana  
assisted by SI Suresh Kumar.

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**Manjari Nehru Kaul, J.**

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.105 dated 28.01.2018 registered under Sections 342, 365, 376(2), 376-D, 506, 34 IPC at Police Station Chandni Bagh, District Panipat.

Learned counsel for the petitioner contends that it is a case of false implication at the instance of the complainant. It has further been contended that even a perusal of the FIR reveals that it was co-accused Sarvar against whom the complainant had levelled allegations of sexual assault qua whom she turned hostile while appearing as PW-1. It has also been contended that allegations qua the petitioner in the FIR is that co-accused had handed the complainant over to the petitioner, who then committed wrong acts upon her several times. The petitioner is behind bars since 08.12.2018 and no useful purpose would be served by keeping the petitioner in custody.

On the other hand, learned State counsel has opposed the bail application and on instructions from SI Suresh Kumar submitted that the evidence is still underway. He further submits that no doubt complainant did not support the case of the prosecution but there are serious allegations levelled against the petitioner.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 08.12.2018 and trial is unlikely to be concluded in the near future, no useful purpose would be served by keeping the petitioner in custody. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned. However, it is clarified that nothing observed herein above would be construed as an expression on the merits of the case.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

30.01.2020  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |