

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-5419-2020

Date of Decision:12.02.2020

Sumit

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr. Sandeep Lather, 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 FIR No.79 dated 05.07.2019 under Sections 376(2)(N), 376(D), 354-A, 354-D, 506 IPC, registered at Police Station Women Jind, District Jind.

Learned counsel for the petitioner states that petitioner is in custody since 30.07.2019. The alleged incident has taken place on 10.06.2019, whereas the present FIR was registered on 05.07.2019. Even on the basis of FSL report (Annexure P-4) attached with the petition, semen could not be detected on any of the exhibits as mentioned in the description of the article(s) contained in parcel(s). He further states that in the initial version on the basis of which FIR was registered, there is no allegation against the petitioner and it is only in the statement recorded under Section

164 Cr.P.C., petitioner has been named as an accused.

Learned State Counsel does not dispute the custody period and the fact that in the initial version on the basis of which FIR was registered, there is no allegation against the petitioner. However, while making statement under Section 164 Cr.P.C., the prosecutrix has made the allegation against the petitioner that he along with other co-accused has committed wrong act with her.

Heard learned counsel for the parties.

Petitioner is in custody since 30.07.2019. In the initial version, there is no allegation against the petitioner and it is only in the statement recorded under Section 164 Cr.P.C., petitioner has been named as an accused. The alleged incident has taken place on 10.06.2019, whereas the present FIR was registered on 05.07.2019 i.e. after about more than 25 days of the occurrence. Trial in the case is not likely to be concluded in the near future, thus, 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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 12, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No