

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

(1)

CRM-M-9936 of 2020.

Decided on:- November 09, 2020.

Vishnu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

(2)

CRM-M-28349 of 2020.

Sushil alias Sunil.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. P.S. Sullar, Advocate
 for the petitioner(s) in both petitions.

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforesaid two petitions under Section 439 Cr.P.C. for grant of regular bail filed by petitioners Vishnu and Sushil alias Sunil, as the same have arisen from common FIR No.79 dated 05.07.2019 under Sections 376(2)(n), 376-D, 354-A, 354-D and 506 IPC registered at Police Station Women, Jind, District Jind.

However, for convenience and clarity, the detailed order is being passed in **CRM-M-9936 of 2020** titled as ***Vishnu Versus State of Haryana***.

Learned counsel for petitioners relies upon the order dated 12.02.2020 passed in **CRM-M-5419 of 2020** titled as ***Sumit Versus State of Haryana***, whereby on similar allegations, co-accused Sumit has been granted regular bail by this Court.

He further contends that petitioner Vishnu is in custody since 17.09.2019, whereas petitioner Sushil alias Sunil is in custody since 30.07.2019. The prosecutrix has made improvements in her version. The FIR in the case was registered after a delay of 25 days of the alleged date of occurrence. The DNA report does not suggest that the rape was committed upon the prosecutrix by the petitioners.

Learned State counsel does not dispute the custody of the petitioners and the fact that the case of petitioners is similar to that of co-accused Sumit, who has already been granted regular bail by this Court. However, he submits that the DNA could not be matched, it being degraded.

I have heard learned counsel for the parties.

Considering the fact that petitioner Vishnu is in custody since 17.09.2019 and petitioner Sushil alias Sunil is in custody since 30.07.2019 coupled with the fact that both the counsels are *ad idem* that the case of petitioners is similar to that of co-accused Sumit, who has already been granted regular bail by this Court, this Court finds that no useful purpose would be served by detaining the petitioners in further custody.

Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

Photocopy of this order be placed on the file of other connected case.

November 09, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No