

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-11023 of 2020

Date of Decision: 03.06.2020

Tasvir @ Bittu

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Ram Darshan Yadav, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.305 dated 09.11.2019 under Sections 323/354B/452/376/511 IPC registered at Police Station Salhawas, District Jhajjar.

Learned counsel for the petitioner has argued that earlier also, similar FIR i.e. FIR No.452 dated 17.10.2018 under Sections 354/451/506 IPC registered at Police Station Salhawas has been registered against the petitioner and in that case, though the petitioner is facing trial, but he has been granted bail by the trial Court. The prosecutrix has been examined in the case. Since the complainant could not reconcile with the matter, she has got the present FIR registered against the petitioner. As per the FIR,

the allegations against the petitioner is that he has entered the house of the prosecutrix and tried to commit rape upon her and when she raised noise, her husband rescued her from the petitioner. In this process, the t-shirt of the petitioner was torn. Clothes of the prosecutrix were also torn. He submits that the petitioner is in custody for the last about 6½ months.

Learned State counsel, on instructions from ASI Attar Singh, does not dispute the custody of the petitioner. However, he submits that this is second attempt by the petitioner. In fact, the petitioner is in the habit of committing sexual assault upon the petitioner and in case he is released on bail, there is possibility that he may commit another similar offence in future also.

I have heard learned counsel for the parties.

The petitioner is in custody since 18.11.2019. Considering the fact that culpability of the petitioner is yet to be established during trial and the trial in the case will take sufficient long time and no useful purpose would be served by keeping the petitioner in custody, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

June 03, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No