

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

202

CRM-M-11164-2020

Date of Decision: 21.09.2020

RAHISH

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Dishant D Tuteja, Advocate
for the petitioner.

Mr. Vivek Saini, Additional AG, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Rahish** in case F.I.R. No.41 dated 16.07.2019 under Sections 342, 376 and 506 IPC and Section 4 of POCSO Act, registered at Police Station Industrial Sector 29, Panipat.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. Learned counsel for the petitioner has urged that prosecutrix as well as her parents when examined in the Court as PW-2, PW-3 and PW-4 respectively, have not supported the cause of prosecution. He further urges that even

otherwise a bare perusal of medico-legal report of prosecutrix reveals that no external injury over any part of the body of prosecutrix was detected and further hymen old and torn, healed Epi tags intact and further no internal bleeding and injury were seen. He further urges that apart from above, FSL report specifically states that semen could not be detected on any of the exhibits i.e.underwear of petitioner-accused and two microscopic glass slides and two cottonwool swabs on sticks described as vaginal swabs of prosecutrix. He further submits that petitioner is in custody since 17.07.2019 and he is no more required by the Police for any investigation purpose. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 17.07.2019; that petitioner is no more required by the Investigating Agency for investigation purpose and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the

CRM-M-11164-2020

:3:

petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Rahish** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat, as the case may be.

(LALIT BATRA)
JUDGE

21.09.2020

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Whether speaking/reasoned	:	Yes
Whether reportable	:	No