

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

**CRM-M-11013-2020**

**Date of Decision: 21.5.2020**

Lalit @ Lucky

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Ganesh Chand Sharma, Advocate for the petitioner.

**RAJIV NARAIN RAINA, J. (Oral)**

1. Case is taken up for hearing today through video conferencing due to pandemic of COVID-19.
2. This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner pending trial in case FIR No. 84 dated 9.6.2019 under Sections 376, 506, 120-B IPC registered at Police Station Women Sector 16, Faridabad.
3. Heard.
4. Notice of motion.
5. Mr. Vikrant Pamboo, DAG Haryana appears on behalf of the State of Haryana.
6. Learned counsel for the petitioner contends that the sole ground ascribed by the Sessions Court to deny bail is that the petitioner is likely to abscond. He further contends that on the very first instance on 9.6.2019, the petitioner had joined the investigation. It is further argued that DNA of the semen from the undergarments of the prosecutrix did not match with that of the accused as per the FSCL report. The petitioner is a co-accused. Learned counsel for the

petitioner has read the testimony of the prosecutrix recalled for cross-examination and to one of the questions regarding physical contact, sShe deposed that she did not remember about act and till further that the act related to kissing. Learned counsel for the petitioner submits that prosecutrix statement has been recorded and also that of the material witnesses. The petitioner has been in jail since 9.6.2019

7. Counsel representing the State of Punjab admits the position regarding the test and the only role attributed to the petitioner is that the scooty (vehicle) used on the date of the alleged occurrence belongs to the petitioner.

8. I have heard learned counsel for the parties and gone through the paper-book.

9. Having heard learned counsel for the parties and without any opinion on merits of the case, I am of the considered view that no useful purpose would be served by keeping the petitioner in jail. The petitioner is in judicial custody since 9.6.2019. It appears to be a fit and proper case for grant of bail pending trial.

10. In view of the above, this petition is allowed. The petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**21.5.2020**

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*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*