

CRM-M-14461 of 2020

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

CRM-M-14461 of 2020
Date of Decision: 24.06.2020

Mashrulla

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Rahul Jaswal, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner – Mashrulla – in a case arising from FIR No.97 dated 31.08.2018 registered under Sections 328, 452, 376-D IPC (Section 201 IPC added later on) at Police Station Women Police Station, Panipat.

According to the prosecution, in the intervening night of 30/31.08.2018, petitioner along with his accomplice, namely, Polla and Avesh barged the house of prosecutrix and made her unconscious by smelling her some intoxicating substance. Thereafter, they pushed her in other room of the house and raped her. Even they clicked her photographs.

Learned counsel *inter alia* contends that co-accused of the petitioner, namely, Fariyad @ Polla, who is the main accused, has been

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enlarged on regular bail by a Co-ordinate Bench of this Court vide order dated 09.12.2019 passed in CRM-M-13831 of 2019. Petitioner is in custody since 15.10.2019. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more. Treating the case of the petitioner on the same parity as that of his aforesaid co-accused, he may also be granted concession of regular bail.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioners.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, treating the case of the petitioner on the same parity as that of his co-accused, namely, Fariyad @ Polla, petition is allowed. Consequently, petitioner Mashrulla – is ordered to be released on bail during pendency of trial, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

June 24, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No