

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.202

CRM-M-14669-2020 (O&M)

Date of decision : 29.10.2020

Naresh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Atul Yadav, Advocate for
Mr. S.K. Yadav, Advocate, for the applicant-petitioner.

Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

CRM-26388-2020

This application has been filed for placing on record a copy of
MLR (Annexure A-1) of the victim.

Notice of motion.

Mr. Munish Sharma, AAG, Haryana, accepts notice and waives
service and has no objection, in case, the application is allowed.

Accordingly, the application is allowed and copy of MLR as
Annexure A-1 is taken on record.

CRM-M-14669-2020

The petitioner seeks regular bail in case FIR No.92 dated
17.6.2019, registered at Police Station Sohna, District Gurugram, under
Sections 376 and 506 IPC.

Learned counsel for the petitioner submits that the petitioner
has been in custody since 17.6.2019. The trial may still take some time to
conclude as 05 more PWs remain to be examined. There is no other
criminal case pending against the petitioner and examination of the

statement of the prosecutrix made in Court reveals that her statement recorded under Section 164 Cr.P.C was not entirely correct. Thus, her truthfulness is rendered suspect. Admittedly, the parties were known to each other and on the date of incident, the prosecutrix had accompanied the petitioner without any threat or coercion from a public place. Thus, it is quite likely that the relationship was consensual in nature.

Learned State counsel concedes the custody period of the petitioner as well as the fact that 05 more PWs remain to be examined.

In view of above, it is evident that the trial may still take some time to conclude. The evidence which has come on record till now, renders the case of prosecution doubtful. Keeping in view the custody period already undergone by the petitioner, the interest of justice would require that he would be released on regular bail. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

29.10.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No