

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

CRM-M-15061-2020 (O&M)
Date of decision : 22.09.2020

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ishant Khangwal, Advocate
for the petitioner.

Mr. Vikrant Pamboo, D.A.G., Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No. 330, dated 06.09.2019, registered under Sections 376 read with Section 511 and 452 of Indian Penal Code, 1860 at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioner states that the petitioner is a victim, who was beaten by the prosecutrix and her family members. An MLR was conducted on him on 08.09.2020 and the injuries were noticed by the doctor. To escape the consequences, the present FIR has been registered. He refers to MLR of the prosecutrix where there is no mention of possibility of rape or any rubbing mark on the person of the prosecutrix. Even as per the FIR (Annexure P-1), the petitioner allegedly tried to rape her. The petitioner is in custody since 08.09.2019.

On the other hand, learned State counsel opposes the instant petition and submits that the petitioner entered the house of the prosecutrix and tried to rape her. He further states that the complainant as well as the prosecutrix stand examined.

Heard.

Considering the fact that the petitioner is in custody since 08.09.2019; the material witnesses stand already examined, out of eight witnesses, six witnesses still remain to be examined; the trial is not likely to be concluded in the near future, no useful purpose shall be served by keeping the petitioner in further incarceration.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.09.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No