

Crl. Misc. No. M-17437 of 2020

Date of Decision: August 19, 2020

Ajay @ Rahul

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. Tanmoy Gupta, Advocate
for the petitioner

Mr. Munish Sharma, AAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 409 dated 22.09.2019 registered under Sections 376, 506 IPC (Sections 452, 201 IPC added later on) at Police Station Chandhat, District Palwal, Haryana.

Learned counsel for the petitioner submits that the petitioner has been in custody since 27.03.2020. The investigation has been completed as challan has been presented but charges have yet to be framed. Thus, the trial is not likely to be concluded at an early date. No other case of similar nature is pending against the petitioner. The petitioner is an accused in three other cases of theft in which he has been granted regular bail. On merits, it is submitted that the allegations appear to be unlikely as in a thickly populated area if rape is committed it is likely to attract the neighbours and passersby. There is also a delay of seven days in lodging the FIR.

Learned State counsel concedes that the investigation is complete and that charges have yet to be framed. He also concedes that in the challan there is no evidence regarding uploading of obscene photographs of the complainant as mentioned in the FIR.

Keeping in view the fact that the petitioner has been in custody for almost 5 months now and that the trial is not likely to be concluded at an early date, coupled with the fact that the investigation is complete, no useful purpose would be served by keeping the petitioner in custody indefinitely.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

August 19, 2020

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No