

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

205

CRM-M-18055 of 2020

Date of Decision: 16.10.2020

RAVINDER

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional AG, Haryana.

Mr. Minkal Rawal, Advocate
for respondent No.2-complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C. is for grant of regular bail to petitioner-**Ravinder** in case F.I.R. No.757 dated 26.09.2019 under Sections 376 and 506 IPC, registered at Police Station Model Town Panipat, District Panipat.

Status report along with copy of testimony of prosecutrix (PW-5) has been received from quarter concerned.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that a bare perusal of testimony of prosecutrix (PW-5) reveals that

petitioner had made physical relations with her prior to her marriage and those relations were consensual and at that time petitioner had not advanced any promise of marriage. He further urges that a bare perusal of FSL report dated 07.11.2019 clearly reveals that semen could not be detected on Exhibit-1a (Slides) and Exhibit-1b (swabs of victim). He further submits that petitioner is in custody since 26.09.2019 and he is no more required by the Police for any investigation purpose. He further submits that trial has already commenced and statement of prosecutrix has been recorded. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel having assistance of learned counsel for the complainant while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the status report as well as reply furnished at the instance of respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 26.09.2019; that after commencement of trial testimony of prosecutrix (PW-5) has already been recorded and that trial of the case would take sufficient time to

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conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Ravinder** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat, as the case may be.

(LALIT BATRA)
JUDGE

16.10.2020

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