

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

207

CRM-M No.24123 of 2020

DATE OF DECISION : 27th AUGUST, 2020

Hardeep Singh @ Pardeep @ Deepu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Rajender Singh Malik, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.232 dated 17.05.2020 registered under Sections 323, 376, 452 & 511 IPC at Police Station Shahbad, District Kurukshetra.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner has not indulged in any such act, as alleged by the complainant. The petitioner is only 26 years of age, whereas the complainant is of 30 years of age and having children. Otherwise also the complainant and the petitioner are resident of the same locality, therefore, had the petitioner been involved then the complainant would have identified him then and there. However, the complainant claims to identify the petitioner on the next day. Still further, even as per the allegation of the prosecution the petitioner had not committed rape. At the best it could be an

allegation of attempt to rape. There is no other case against the petitioner. The petitioner is in custody since 01.06.2020. The challan has already been filed. The petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by ASI Mukesh Kumari, has submitted that the prosecutrix has levelled specific allegations against the petitioner. The petitioner has duly been identified by the complainant. However, it is not disputed that the petitioner is in custody since 01.06.2020 and that there is no other case against the petitioner, and further, that the challan has already been filed.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

27th AUGUST, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>