

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 27421 of 2020

Date of Decision: 28.09. 2020

Sunil Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mukesh Yadav, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 32 dated 17.02.2020, registered under Section 323, 376, 506 & 34 IPC at Police Station Jhojhu Kalan, District Charkhi Dadri.

The case of the prosecution has been noticed by the learned Additional Sessions Judge, Charkhi Dadri in para 2 of its order dated 20.08.2020, which is extracted as under:

“As per the prosecution story, the present FIR was got lodged against the petitioner-accused and others on the allegations that the prosecutrix (name withheld) is having three children. Her husband is doing Labour work. The petitioner-accused Sunil Kumar used to commit rape upon her without her consent and threatened to kill her if she disclose the same to anyone. She narrated the entire incident to her husband that the petitioner-accused used to molest her for the last three months.

On 17.2.2020, the husband and brother of prosecutrix tried to convince the petitioner-accused, then he along-with his father and brother Kapil attacked them. With the aforesaid allegations, said FIR was lodged”.

The petitioner is in custody since 03.03.2020. Learned counsel for the petitioner contends that the case set up by the prosecution appears to be highly improbable.

On the other hand, Mr. Chetan Sharma, Assistant Advocate General, Haryana has opposed the prayer. However, on a Court question, he has admitted that the petitioner does not have any criminal antecedents and on conclusion of the investigation, the challan has been presented, however, the prosecution is yet to commence the recording of statements of its witnesses. The prosecution intends to examine 16 witnesses.

Keeping in view the aforesaid facts and without commenting on the merits of the case, further detention of the petitioner, at this stage, does appear to be justified as the conclusion of the trial is likely to take some time. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

September 28, 2020
“DK”

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