

Jaswinder Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Malhotra, Advocate
for the petitioner

Mr. Munish Sharma, AAG Haryana

Sudhir Mittal, J. (Oral)**CRM-25294-2020**

This application has been filed for placing on record Annexures P/2 and P/3.

Notice in the application.

Mr. Munish Sharma, AAG Haryana, accepts notice on behalf of the respondent-State and waives service. He has no objection in case the application is allowed.

Accordingly, application is allowed and Annexures P/2 and P/3 are taken on record.

Crl. Misc. No. M-27514 of 2020

The petitioner seeks grant of regular bail in case FIR No. 30 dated 19.04.2020 registered under Sections 323, 376, 452, 506, 511 IPC at Police Station Mansa Devi, Panchkula.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than six months. The trial is not likely to be concluded at an

early date as charges have not yet been framed. There is no other criminal case

pending against the petitioner. The MLR as well as Section 164 Cr.P.C. statement of the complainant show that offence of rape has not been committed. Thus, the petitioner may be granted regular bail.

Learned State counsel concedes that the charges have not yet been framed and that there is no other criminal case pending against the petitioner.

Thus, in view of the custody already undergone by the petitioner, the fact that the trial is not likely to be concluded at an early date and that the medical evidence by way of MLR as well as statement of the complainant recorded under Section 164 Cr.P.C. *prima facie* rule out the offence of rape, I deem it appropriate to grant regular bail to the petitioner.

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.

It is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

October 14, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No