

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

(Heard through VC)

CRM-M-38199 of 2020 (O&M)
Date of Decision: November 24, 2020

Ravi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.40 dated 06.05.2020, under Sections 341, 376 of Indian Penal Code, Section 4 of POCSO Act and Section 3(2)(V) of SC-ST Act, registered at Police Station Women Jind, District Jind.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 13.05.2020. It is submitted that the petitioner has been falsely implicated in the present case as would be evident from the MLR available on the record as well as from the fact that semen has not been detected from the swabs taken. It is argued

that the matter has been investigated and after framing of charges, the next date fixed before the trial court is in the month of March 2021 for the purpose of recording the evidence. It is also contended that it will take sufficient time to conclude the trial, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged the petitioner are serious in nature. However, he does not dispute the fact that as per the FSL report, semen has not been detected from the swabs taken.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 13.05.2020 and that it will take sufficient time to conclude the trial, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in the sum of ₹ 1 lac with one surety in the like amount to the satisfaction of concerned trial Court/Duty Magistrate.

It is noted that the prosecutrix and the petitioner are resident of the same village, as such, it is directed that during the pendency of the trial of the case, the petitioner shall not visit/enter village Khokhri, Tehsil and District Jind or its vicinity in any manner. It is also directed that the petitioner also shall not try to contact the prosecutrix or her family members in any manner whatsoever, either directly or indirectly. It is made clear that

any violation of any of the directions will invite cancellation of his bail.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

November 24, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No