

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

CRM-M-39450 of 2019 (O&M)
Date of Decision: January 29, 2020

Virender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dhanajay Singh, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

Counsel files the fresh power of attorney on behalf of the petitioner, with no objection from the earlier counsel, which is taken on record.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.06 dated 28.01.2019, under Sections 376, 384, 506 of Indian Penal Code, registered at Police Station Bapoli, District Panipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 28.01.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that the allegations of the complainant, who has since deceased, of having sent a photograph of her, which was illicit, are not sustainable

because as on date, there has been no recovery of the said phone. It is also contended that out of total 14 witnesses, 07 witnesses have already been examined and conclusion of trial will take sufficient time, therefore, 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, however, does not dispute the fact that the complainant has since expired and out of total 14 witnesses, 07 witnesses have already been examined.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts the petitioner herein has been in custody since 28.01.2019 and that out of total 14 witnesses, 07 witnesses have already been examined, 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 adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

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.

January 29, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No