

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

CRM No.1108 of 2020 in/and
CRM-M-61748 of 2018 (O&M)
Date of Decision: January 15, 2020

Naveen @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Susheel Gautam, Advocate
for the petitioner.

Ms. Trishanjali Chopra, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-1108-2020

Allowed as prayed for.

Amended memo of parties is taken on record.

CRM-M-61748-2018

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.04 dated 17.01.2018, under Sections 376(2), 506 of Indian Penal Code and Section 3 of SC & ST Act, 1989 registered at Police Station Women, District Panipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 17.01.2018. It is submitted that the allegations in the FIR are not sustainable. It is argued that the statement of the material witnesses have been recorded and

conclusion of trial will take sufficient time, as 11 witnesses are yet to be examined, 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 material witnesses have been examined. She also submitted that DNA report has been made available, but on account of poor DNA sample, the report is not conclusive.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been custody since 17.01.2018 and that material witnesses have since been examined, apart from the fact that the DNA report is not conclusive, no useful purpose would be served in keeping the petitioner behind the 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.

Needless to say, 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 15, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No