

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.525 of 2020

Date of Decision:28.02.2020

Virender alias Banti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Tribhawan Singla, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

-. -

JAISHREE THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.23 dated 17.01.2019 under Sections 365, 376-D, 120-B IPC and Section 6 of POCSO Act and Section 3(1)(w)(I) and 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Shahbad, District Kurukshetra to the petitioner, who is in custody since 18.01.2019

2. Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the said case, while arguing that charges already stand framed and as per evidence that has been made available, neither MLR nor FSL report would substantiate the plea of alleged rape. It is also argued that the trial will take considerable length of time as 23 witnesses have been cited.

3. Per contra, learned counsel appearing on behalf of the respondent-State opposes the bail application, while contending that the offences alleged against the petitioner are serious in nature and therefore, the petitioner is not entitled to concession of regular bail.

4. I have heard learned counsel for the parties.
5. Since the trial court is likely to take some time as out of 23 witnesses, 11 witnesses have been examined including the material witnesses, no useful purpose would served in keeping the petitioner behind bars. 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, any observation made herein shall not be construed to be an expression on merits of the case. However, with the condition that petitioner would neither contact the prosecutrix nor would approach her family members in any fashion whatsoever. In case of any violation of this condition, the regular bail granted by this Court shall stand cancelled.

(JAISHREE THAKUR)
JUDGE

February 28, 2020
Pankaj*

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