

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

107+207

**CRM-6192-2021 in
CRM-M-4942-2021.
Date of Decision: 03.03.2021.**

Balwinder Singh @ Balwinder Kumar SutharApplicant/Petitioner.

Versus

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Vikas Kumar, Advocate for applicant/petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-6192-2021

This application under Section 482 Cr.P.C. is for placing on record certified copy of testimony of prosecutrix (PW1) as Annexure P/4.

Document Annexure P/4 is taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Balwinder Singh @ Balwinder Kumar Suthar** for grant of regular bail in case FIR No.123 dated 26.09.2020 under Sections 376(2)(n), 450 and 506 IPC, registered at Police Station Women, Sirsa, District Sirsa.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that though alleged occurrence took place on 20/22.08.2020, whereas FIR was got registered on 26.09.2020 and, thus, there is inordinate delay of more than one month in getting the FIR registered and that too unexplained one. He further submits that petitioner is in custody since 29.09.2020 and he is no more required by the Police for any investigation purpose. He further submits that final report under Section 173 Cr.P.C. (challan) has already been presented in Court and trial has commenced. He further urges that testimony of prosecutrix (PW1) has already been recorded on 22.02.2021 (Annexure P/4). He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have gone through the records.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 29.09.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be

served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Balwinder Singh @ Balwinder Kumar Suthar** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Sirsa, as the case may be.

(LALIT BATRA)
JUDGE

03.03.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No