

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

CRM-M- 7558-2020 (O&M)

Date of Decision: January 28, 2021

Suresh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. P. P. Chahar, 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. 261 dated 29.09.2019, under Sections 323, 376, 506, 34 IPC registered at Police Station Ateli, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner herein is in custody in the aforesaid FIR since 30.10.2019. The allegations as set out in the FIR are patently false and fabricated. The prosecutrix was medico-legally examined and as per the MLR, there was no internal or external injury on her body. It is also argued that the FSL report does not support the allegations as set out in the FIR. The prosecutrix has already been examined in the Court and there are little chances of the petitioner herein to influence the prosecutrix in any manner whereas the trial is likely

to take time to conclude.

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 are serious in nature, however, does not dispute the fact that the prosecutrix has already been examined. On a query put by this Court, it is informed that out of 13 cited witnesses, only the prosecutrix stands examined.

I have heard learned counsel for the parties.

The petitioner herein has been in custody since 30.10.2019. In view of the fact that the prosecutrix stands examined and that the trial is likely to take time to conclude, no useful purpose would be served by keeping the petitioner behind bar any longer. 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 bail on his furnishing of personal bond in the sum of Rupees Fifty Thousand with one surety of the like amount 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.

January 28, 2021

seema

Whether speaking/reasoned
Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes/No
Yes/No