

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

CRM-M No.13906 of 2021 (O&M)

Date of Decision:01.07.2021

(Heard through VC)

Babbu

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

CRM No.17164 of 2021

Dismissed as having been rendered infructuous.

CRM-M No.13906 of 2021

This is a petition that has been filed for grant of regular bail to the petitioners in FIR No.163 dated 28.12.2020 registered under Sections 3376(2) (N), 451, 506 IPC at Police Station Women Sirsa, District Sirsa.

Learned counsel for the petitioner herein would contend that the petitioner has been implicated falsely in the said FIR, as would be evident from the fact that the complainant has not supported the prosecution version. It is argued that Annexure P-7 itself is enough evidence that no such offence took place. It is also argued that FSL report dated 08.01.2021 would clearly reflect that semen could not be detected on Ex.1a and Ex.1b. The investigation has been completed and the challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, she does not dispute the fact that material witness has turned hostile.

I have heard learned counsel for the parties. Keeping in view the fact that the material witness has been examined, who did not support the prosecution version and the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be 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/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.

July 01, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No