

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

CRM-M No.15269 of 2021(O&M)

Date of Decision:04.08.2021

(Heard through VC)

Tarun @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Manish Dadwal, AAG, Haryana.

Mr. Lalit Yadav, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a third petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.109 dated 04.04.2019 under Sections 323/354-B/376/453/506/328/34 of IPC and Section 66E of IT Act registered at Police Station Sadar Dadri, District Charkhi Dadri.

Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the said matter as would be evident from the fact that the DNA report does not match his profile. It is argued that the material witnesses i.e. parents of the prosecutrix have already been examined and have not supported the prosecution version, apart from the fact that prosecutrix has already suffered an affidavit to that effect that she would have no objection in case regular bail is allowed to the petitioner who is in custody since 07.04.2019. It is further argued that once the medical does not support the prosecution version nor do the parents and the prosecutrix herself supported the prosecution version, it would be futile to keep the petitioner in custody. It

is also submitted that the investigation has been completed and challan stands presented, therefore, custody of the petitioner would no longer be required.

At this stage, appearance has been caused by counsel on behalf of the complainant who submits that she would have no objection in case bail is allowed to the petitioner.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature and statement of the prosecutrix is yet to be recorded, however, he does not dispute the fact that investigation has been completed and challan stands presented.

I have heard counsel for the parties. Keeping in view the fact that complainant/prosecutrix has no objection in case bail is allowed to the petitioner and the fact that investigation has been completed and challan stands presented, 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 personal/surety bond of Rs.1 lakh each to the satisfaction of concerned trial Court/Duty Magistrate with a condition that the petitioner herein will not contact the complainant/prosecutrix and will not enter into Charkhi Dadri except for the purpose of his appearance in the Court. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

August 04, 2021
P.Bhatt/Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No