

Stephen

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 419 dated 28.11.2019, registered at Police Station Sushant Lok, District Gurugram, for the alleged commission of an offence punishable under Sections 354-A (1) (i) of the IPC [with Section 376 (2) (e) of the IPC added later].

Learned counsel for the petitioner submits that the petitioner having been admitted to interim bail, vide an order of this court dated 13.08.2020, because at that stage the trial had not even commenced, though now the trial has commenced and the prosecutrix and her husband have been examined by the trial court, with the petitioner not having misused the concession of bail, the interim order may not be vacated.

However, learned State counsel reiterates what is stated in the reply as regards the allegation against the petitioner and submits that in such circumstances, the interim order passed in favour of the petitioner does not deserve to be continued.

He further submits that the complainant and her husband having supported the case of the prosecution and with the former colleague of the petitioner, i.e. the Nursing Assistant, still remaining to be examined before the trial court, the petitioner may influence the trial.

That being so, without making any comment on the actual merits of the case, I agree with learned State counsel with this petition therefore dismissed and the interim order passed on 13.08.2020 hereby vacated.

However, it is made absolutely clear that the interim order is being vacated only in view of what has been contended by the learned State counsel, seen with the allegations against the petitioner, with it not to be taken in any manner as any observation by this court on the actual merits of the case, which naturally would be considered by the trial court wholly on the basis of the evidence led before it.

January 21, 2021	(AMOL RATTAN SINGH)
nitin	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No.