

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

CRM-M No.23527 of 2021 (O&M)

Date of Decision:30.06.2021

(Heard through VC)

Dev Singh @ Deva

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.195 dated 18.05.1992 registered under Sections 363, 366-A, 376, 343, 506 IPC and Sections 25, 54, 59 of Arms Act at Police Station Sadar Ratia, Fatehabad.

Learned counsel for the petitioner herein would contend that the petitioner had been nominated as an accused under the said FIR and he was declared as proclaimed offender on account of the fact that he was totally unaware of the proceedings pending against him. In the meantime, co-accused Gurmail Singh and Labh Singh stands convicted. The petitioner was eventually arrested on 05.08.2020 and has been in custody since then. It is further submitted that after his arrest, statement of the prosecutrix was recorded on 03.05.2021 in which she has categorically stated that the petitioner was not involved in the kidnapping nor had he committed offence of rape upon her. It is also argued that since statement of the prosecutrix

has already been recorded and she has not supported the case of prosecution, 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 that the allegations levelled against the petitioner are serious in nature and he was declared as proclaimed offender, however, she does not dispute the fact that material witness did not support the case of prosecution.

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.

June 30, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No