

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

CRM-M No.23672 of 2021

Date of Decision:15.09.2021

Rahun @ Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.107 dated 01.05.2019 under Sections 376-D, 379-A, 506 IPC, Section 67-A I.T. Act and Section 25, 54, 59 Arms Act registered at Police Station Women, District Nuh.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter. It is further contended that statement of the prosecutrix has been recorded which is in direct contradiction to the allegations as set out in the FIR. There are material improvements all along the way. It is submitted that the petitioner has been in custody since 05.10.2020 and the statement of the material witness namely the prosecutrix has been recorded. Apart from that, the prosecutrix who had alleged an offence under Section 376 IPC against co-accused Mohabbat @ Kala has exonerated him while turning hostile in her statement recorded before the Court. It is further submitted that matter is likely to take some time to conclude as the Courts are

not fully functional, therefore, prays for concession of bail to the petitioner.

Whereas, counsel for the respondent-State would oppose grant of regular bail to the petitioner by contending that the allegations levelled against him are serious in nature, but does not dispute the fact that the prosecutrix has been examined.

I have heard counsel for the parties and in view of the fact that the matter stands investigated and challan has been presented and the fact that trial is likely to take some time to conclude as out of 17 witnesses cited, only 6 have been examined, this Court deem it appropriate to allow regular bail to the petitioner. 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. However, any observation made herein shall not be construed to be an expression on merits of the case.

September 15, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No