

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

CRM-M No.23492 of 2021(O&M)

Date of Decision:20.09.2021

(Heard through VC)

Babloo Kumar @ Baloo

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kartar Singh Malik-I, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, 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.117 dated 21.03.2021 under Section 365 IPC (Sections 120-B, 506, 363, 366-A IPC added later on) registered at Police Station Sadar Rohtak, District Rohtak.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter. It is submitted that there were no allegations made against the petitioner herein under Section 164 Cr.P.C. and there is also no medical evidence qua the petitioner of having committed the offence of rape as the prosecutrix had refused to get her medical examination done. It is further submitted that the custody of the petitioner would no longer be required as the statement of the material witness has been recorded and therefore, he would not be in a position to influence her testimony. It is argued that out of 17 witnesses cited, only 3

witnesses have been examined and the trial is likely to take some time to conclude, therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State on instructions from ASI Virender would oppose grant of regular bail to the petitioner by contending that the petitioner has been nominated under Sections 120-B, 506, 363, 366-A, 365 IPC, however, she is not in a position to dispute the fact that there is no medical on the record to substantiate the offence of rape against the petitioner herein.

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 3 have been examined, this Court deems 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 adequate personal/surety bond 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 20, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No