

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(215)

CRM-M-25822-2021(O&M)

Date of Decision: 16.08.2021

Mayank

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Punit Malik, Advocate for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.662 dated 7.11.2020 under sections 376(2)(n), 323 I.P.C, registered at Police Station, Sadar Gurugram.

Learned counsel for the petitioner had vehemently contended on the last date of hearing that the prosecutrix in the present case is a habitual litigant and this is not the only FIR at her behest under Section 376 I.P.C. She has rather lodged the similar FIRs on similar allegations against a number of persons.

This Court vide order dated 13.7.2021 had directed the Commissioner, Gurugram to file a status report in response to the contentions made by learned counsel for the petitioner. The Commissioner, Gurugram has filed a status report, wherein the status of the various FIRs

has been given. The status report would further reveal that the contentions of learned counsel for the petitioner regarding lodging of FIRs against various persons was correct. However, as per status report out of 7 FIRs 3 FIRs have been cancelled due to false allegations, in 2 FIRs challans have been filed, whereas in rest of the 2 FIRs investigation is in progress. So far as the present FIR is concerned, challan already stands submitted, as per the status report.

On the other hand, learned State counsel submits that there are in all 12 prosecution witnesses out of which 6 have been examined. The petitioner is behind bars since 8.11.2020.

In the peculiar facts and circumstances of the present case, I find that learned counsel for the petitioner has very well established the case for grant of bail to the petitioner and I find no justification to keep him behind bars any more.

In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

16.08.2021

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No