

219 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27064-2021

DATE OF DECISION: 26th JULY, 2021

AMIT

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajesh Khandelwal, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a second petition under Section 439 of Cr.P.C. seeking regular bail in FIR No. 617, dated 5th October, 2020, under Sections 376 and 506 IPC (Section 376 IPC deleted later on and Section 376(2) added later on), registered at Police Station City, Hisar.

[3] As per the allegations the petitioner who is an auto driver by profession, on 21st September, 2020 took the prosecutrix to a hotel and made physical relation without her consent. She was medically examined on 6th October, 2020, no semen was detected. FSL report opined "it cannot be said that no rape was committed".

[4] Learned counsel for the petitioner argued that the prosecutrix expired after registration of the FIR. As per the MLR, no semen is detected. No recovery is to be made from the petitioner.

bail. He, on instructions from ASI Meera submits that prosecutrix was murdered by her husband and mother-in-law and FIR No. 97 dated 13th February 2021 stands registered at Police Station Sadar, Hisar.

[6] Considering the facts in totality and without commenting upon the merits of the case, no useful purpose would be served by keeping the petitioner behind the bars, conclusion of trial is likely to take time, the petitioner is granted bail. The bail would be subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[7] The petition is allowed.

[8] It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

26th JULY, 2021.
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |