

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28286-2021 (O&M)

Date of Decision: 01.10.2021

(Heard through VC)

Sahil @ Shalu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Parminder Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.266 dated 05.08.2019 under Sections 306, 34 and 376 IPC registered at Police Station Nissing, District Karnal.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the said FIR. Learned counsel for the petitioner would contend that the petitioner was juvenile when he was alleged to have committed the offence of rape upon the deceased. In respect of the said allegation, he is being tried separately as juvenile and has been allowed regular bail by the Juvenile Justice Board, Karnal. However, he is being tried as an adult for the offence under Section 306 IPC and

prays for regular bail as has been allowed to the husband of the deceased. It is submitted that trial is likely to take some time to conclude, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State on instructions from ASI Baljit Singh opposes the grant of regular bail by contending that the statement of the complainant, who is the sister of the deceased, is yet to be recorded. She further contended that there is enough material available with the prosecution in the shape of transcripts of the voice mails sent by the deceased to the complainant wherein the deceased had stated that she was under stress and going to commit suicide as she had been raped by the petitioner herein.

Per contra, learned counsel for the complainant would submit that he has instructions from his client not to oppose the grant of regular bail to the petitioner.

I have heard counsel for the parties and have also perused case file.

The matter has been investigated and challan stands presented. The petitioner herein has already been allowed regular bail under Section 376 IPC by the Juvenile Justice Board. The trial is likely to take time to conclude. In view of the statement made by the learned counsel for the complainant that he has no objection in case the petitioner herein is released on regular bail, no useful purpose would be served in keeping the petitioner behind bars any longer. Without commenting on the merits of the case, the instant petition is allowed and the petitioner is

directed to be released on regular bail on his execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate.

Anything observed hereinbefore shall not be construed as an expression of opinion on merits of the case and is limited only for the purpose of deciding the instant petition for bail.

01.10.2021

Riya

Whether speaking/reasoned :
Whether Reportable :

(JAISHREE THAKUR)
JUDGE

Yes No
Yes No