

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

209

**CRM-M-23405-2020 (O&M)
Date of Decision: 01.03.2021**

Balram @ Banka

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Saurabh Sharma, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate for complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 439 Cr.P.C has been moved for grant of regular bail to petitioner-**Balram @ Banka** in case FIR No.660 dated 12.12.2019 under Sections 201, 328, 376, 419, 420 and 506 IPC, registered at Police Station Shahabad, District Kurukshetra.

Status report dated 24.02.2021 has been received from Trial Court, in terms of which, statements of prosecutrix/complainant and her mother have been recorded as PW1 and PW2 respectively on 09.02.2021.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges though alleged occurrence took place in May 2018, whereas FIR was got registered on 12.12.2019 and as such there

was inordinate delay in the registration of FIR and that too unexplained one. He further urges that as a matter of fact, petitioner and prosecutrix were in relationship for the last approximately two years and the said arrangement was not liked by the parents of prosecutrix and, thus, on the pressure of her parents, instant FIR was got registered. He further urges that petitioner is no more required for investigation purpose and after completion of investigation, final report under Section 173 Cr.P.C. (challan) has already been presented in the Court. He further urges that trial has already commenced, wherein testimonies of prosecutrix and her mother have already been recorded by the Court. He further urges that petitioner is in custody since 13.12.2019 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant while opposing the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition, reply furnished by respondent-State and the documents placed on the record.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 13.12.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court; that testimonies

of prosecutrix and her mother have already been recorded and since trial of

the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Balram @ Banka** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Kurukshetra, as the case may be.

(LALIT BATRA)
JUDGE

01.03.2021

VP

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