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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30276-2021

Date of decision : 06.08.2021

Nitin @ Niku

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, 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 is filed under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.22 dated 13.02.2020, registered under Sections 376-D, 365, 506, 323 of the Indian Penal Code, 1860 and Section 67 of IT Act, at Police Station Women Cell Sonapat, District Sonapat.

It has been contended by learned counsel for the petitioner that petitioner is in custody since 15th February, 2020. She has further contended that petitioner was falsely implicated in the FIR. However, she submits that in the statement recorded under Section 164 Cr.P.C., complainant/prosecutrix has levelled the allegations against all the three accused. She has stated that FSL report has been received, but no semen was detected therein. She has further drawn the attention of this Court to the

deposition of the prosecutrix and her mother who are examined before the trial Court as PW-2 and PW-3 and both of them have resided in the trial Court. She further submitted that the similarly situated accused has already been granted the bail by this Court vide order dated 14th July, 2021 in CRM-M-33927-2020.

Mr. Manish Bansal, DAG, Haryana for the State has not disputed the fact that prosecutrix and her mother have turned hostile. Even though, he submits that the role of the co-accused Rakesh was different from that of the petitioner.

I have heard learned counsel for the parties and perused the record.

In view of overall facts and circumstances of the case and keeping in view the custody period undergone by the petitioner, I find that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(**RAJESH BHARDWAJ**)
JUDGE

06.08.2021
m. sharma

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