

Satbir Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Parminder Walia, Advocate, for
Mr. Varun Katyal, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

Mr. Raj Kumar Narang, Advocate,
for the complainant

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 102 dated 03.05.2020, registered at Police Station Pinjore, District Panchkula, for the alleged commission of an offence punishable under Section 376 of the IPC.

On 12.01.2021, the following order had been passed:-

“Case heard by video conference.

Pursuant to the order dated 07.12.2020, a report of the learned Additional District and Sessions Judge, Panchkula, dated 16.12.2020, is on record stating, therein that on that date itself arguments were heard on the point of charge and that the petitioner (accused) has been charge sheeted for the commission of an offence punishable under Section 376 of the IPC with the next date of hearing before that court being 15.01.2021.

Without making any comment on the actual merits of the case, the matter is adjourned to 22.1.2021, with the learned State counsel to take specific instructions on that date as to whether the complainant has turned up before the trial court to testify or not.”

Today, learned State counsel submits that as per his instructions the complainant has already testified before the trial court.

Learned counsel for the complainant however submits that the petitioner having duped the complainant into a promise of marriage which he never fulfilled, he does not deserve to be admitted to bail.

Having considered the matter, looking at the facts of the case, including that the complainant was 46 years of age and a married lady, with the petitioner being 28 years old and with in any case the complainant having now testified before the trial court and the petitioner having been in custody since May 2020, I would see no reason to deny him the concession of bail at this stage.

Consequently, without making any comment on the actual merits of the case, with all observations made hereinabove to be treated as those made in the context of a petition seeking bail, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

January 22, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.