

CRM-M-37307-2021

Date of Decision: 7.10.2021

Naveen

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Tribhawan Singla, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.2 dated 13.1.2021 under Sections 323, 354, 354(A)(1)(i), 367, 506, 34 IPC, Section 3 of the SC/ST Act, and Section 25 of the Arms Act, registered at Women Police Station, Hisar, District Hisar.

The FIR in question was lodged by the prosecutrix on the basis of allegations that she is a student of B.Com at Government College, Hisar. On 13.1.2021, at about 11:00 am she boarded in auto and thereafter, two boys also boarded the auto. One was driving the auto and other was sitting besides the driving seat. When the auto reached near Airport, the boy who was driving came on back seat and other boy started driving the auto. The boy who was on back seat caught her mouth with his hand and was wearing mask also. Both these boy tried to strangle the prosecutrix from the neck and caused stretch marks on her neck. The prosecutrix raised hue and cry and they did beat the prosecutrix and molest her. They threatened that they will kill the prosecutrix and after raping throw her at some isolated place. The FIR was lodged and request was made to take legal action against the

accused.

Learned counsel for the petitioner has vehemently contended that the allegations are false and frivolous. He contends that all the Sections are bailable except Section 367 IPC. He contends that the petitioner is behind bars since 13.1.2021 and now the prosecutrix has reiterated the allegations made in the FIR, but the petitioner is a young boy and is behind bars from the last about 9 months. There cannot be said to have been any apprehension of tampering with the ongoing trial as the material witnesses are already examined.

Learned State counsel has opposed the contentions raised by learned counsel for the petitioner. He submits that both the accused are specifically named in the FIR and attributed specific role. He submits that out of 21 prosecution witnesses, 4 witnesses have been examined.

I have heard learned counsel for the parties.

In the overall facts and circumstances of the case, I find that the learned counsel for the petitioner has made out a case for grant for regular bail. The trial would take time in its conclusion. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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

7.10.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No