

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 37640-2021

Date of Decision: 16.09.2021

(Heard through VC)

Rakesh alias Moni

..... Petitioner

VERSUS

State of Haryana

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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 FIR No.64 dated 21.10.2020, under Sections 376, 328, 363, 366-A, 506 IPC and Sections 6 of the POCSO Act (Sections 376-D, 420 and 201 IPC and Section 67-B of Information Technology Act added in the challan) registered at Women Police Station Hansi.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case. It is argued that there is no medical available on record to substantiate the allegations under Section 376-D IPC while relying upon the medical report dated 22.10.2020. It is argued that the allegation of objectionable photographs would not sustain since there is no cyber cell report available on record as

on date. It is further argued that the matter stands investigated and the challan stands presented. The petitioner herein has been in custody since 27.10.2020 whereas trial is likely to take time to conclude.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, does not dispute the fact that challan has been presented without the Cyber Cell report.

I have heard learned counsel for the parties.

The petitioner herein has been in custody since 27.10.2020. The matter stands investigated and the challan has been presented. The trial is likely to take some time to conclude. No useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed with the condition that the petitioner will not try to contact the material witnesses in any manner and will remain 10 km away from the vicinity of the prosecutrix. The petitioner is directed to be released on regular bail on execution of personal and surety bond in the sum of Rs. 2 lac each to the satisfaction of concerned trial Court/Duty Magistrate.

Anything observed in this order shall not be construed as an expression of opinion on merits of the case.

16.09.2021

seema goran

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No