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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.37998 of 2021 (O&M)

Decided on: 21.09.2021

Raju @ Raja

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.156 dated 07.04.2021, for offence punishable under Sections 377, 506 of the Indian Penal Code (in short 'IPC') (Section 450, 34 IPC added later) registered at Police Station City Tohana, District Fatehabad.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the complainant Kashmir Kaur, it is stated that she has seen the petitioner along with 3 other persons coming from her courtyard and when she went to the courtyard, she noticed that her calf was tied and some wrong act was done with her and her back part was swollen. Thereafter, she called a doctor, who checked the calf and said that the senior veterinary doctor would come next day to prepare the report.

Counsel for the petitioner has further submitted that only

CASE HEARD THROUGH VIDEO CONFERENCING

on the basis of the suspicion, the petitioner has been falsely implicated in the case as there is an old enmity between the family.

Counsel for the petitioner has relied upon the report of the FSL dated 29.06.2021 wherein, it is stated that human semen could not be detected on any of the exhibit (swabs), which was sent by the Animal Husbandry Department while doing the physical examination of the calf. It is also submitted that the petitioner is not involved in any other such or similar case; he is in custody for the last about 05 months and 12 days; challan stands presented and it will take some time in conclusion of the trial.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in custody for the last about 05 months and 12 days; challan stands presented and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

21.09.2021

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No