

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

203

CRM-M-41816-2021

Date of Decision : October 11, 2021

SIYA RAM @ TINKU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sahil Gupta, Advocate with
Mr. Sourabh Chobey, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.386 dated 28.11.2019 under Sections 363, 366, 376(D), 506, 201, 34 IPC (Section 346 IPC deleted lateron), Police Station Nangal Chaudhri, District Mahendergarh.

The learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and the other co-accused, namely, Jagdish was named in the FIR and he has since been granted bail by this Court vide Annexure P-10. He further submitted that one of the other co-accused, namely, Naresh has also been granted bail by this Court vide Annexure P-9. He submitted that it is a case where the petitioner was falsely implicated and now after framing of charges, the prosecutrix is not coming forth to depose. He has referred to various

orders which have been passed after the framing of charges vide Annexure P-5 to show that a number of times the Court had issued summons to the prosecutrix and had directed the police to trace her out but she has not been traced out at any place and she is not coming forth to depose before the Court. He submitted that the petitioner is in custody since 14.3.2020 which is more than 1½ years and the petitioner cannot be kept in custody for an unlimited period of time. He has further submitted that even other similarly co-accused, namely, Naresh has been granted bail by this Court.

On the other hand, Mr. Panwar, learned DAG, Haryana has stated that so far as the custody period is concerned, it is correct. It is also correct that after the framing of the charges, a number of times, the case was adjourned for summoning of the prosecutrix but she could not be traced and, therefore, she has not deposed despite a number of times summons issued to her. He submitted that the petitioner is not involved in any other case.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not in dispute. It is also not disputed that the prosecutrix is not coming forth despite a number of opportunities given and summons issued but as per the learned counsels for the parties, she was not traceable. The petitioner is admittedly not involved in any other case and is in custody for more than 1½ years. Apart from this, it is not a case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

October 11, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No