

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

CRM-M No.41669 of 2021

Date of Decision:08.10.2021

(Heard through VC)

Bobby

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Chetan Kapoor, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.64 dated 17.04.2021 under Section 328, 376(2)n, 406, 506, 120-B IPC (Section 328, 406, 120-B IPC deleted later on) registered at Women Police Station, District Yamuna Nagar.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter and is in custody since 22.05.2021. It is argued that initially the above FIR was registered against five persons including petitioner and four were found to be innocent. It is further contended that the father of the prosecutrix had lodged a missing report on 09.06.2020 on the basis of which an FIR No.115 dated 10.06.2020 under Section 346 IPC was registered at Police Station Chappar. It is submitted that prosecutrix had got her statement recorded under Section 164 Cr.P.C. before the Illaqa Magistrate stating that she was in love with the petitioner and wanted to reside with petitioner. Consequently, the proceedings under the said FIR came to be

dropped. However, another FIR has been got registered after a delay of 10 months. It is further submitted that the matter has been investigated and challan stands presented and the trial is likely to take some time to conclude, therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State on instructions from ASI Amardeep would oppose grant of regular bail to the petitioner by contending that statement of the prosecutrix is yet to be recorded. However, on the asking of this Court, where the prosecutrix is residing, this Court has been informed that she has got married and further on the asking of this Court, whether a medical was conducted and FSL report available, this Court has been informed that the medical was conducted, however, there is no FSL available.

I have heard counsel for the parties and in view of the fact that the matter has been investigated and challan stands presented and the fact that trial is likely to take some time to conclude, this Court deems it appropriate to allow regular bail to the petitioner. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

October 08, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No