

CRM-4040-4041-2021 IN/AND
CRM-M-37008-2020

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

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CRM-4040-4041-2021 IN/AND
CRM-M-37008-2020
Date of decision:22.02.2021

Dayakishan alias Kidu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Apoorv Garg, DAG Haryana.

Mr. S.P. Khera, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

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Application is allowed as prayed for.

Annexures A-1 and A-2 are taken on record.

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Prayer in the present application is for preponement of the date of hearing in the main case, which is fixed for 25.02.2021.

Notice of the application.

Mr. Apoorv Garg, DAG, Haryana accepts notice on behalf of the respondent-State and states that he has no objection if the hearing in the main case is preponed from 25.02.2021 to today itself.

In view of the above, the date of hearing in the main case is

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preponed from 25.02.2021 to today itself and the same is taken on board.

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Through this petition, the petitioner seeks regular bail in case bearing FIR No.23 dated 30.01.2020 registered under Sections 323, 354, 354-A, 376, 511 and 506 IPC at Police Station Beri, District Jhajjar.

Vide order dated 11.01.2021, this Court had directed the concerned Illaqa/Duty Magistrate to record the statement of the complainant regarding the authenticity of the compromise effected between the petitioner and the complainant, who is the daughter-in-law of the petitioner.

In pursuance of the aforesaid order, Judicial Magistrate 1st Class, Jhajjar, has submitted her report pointing out therein that the statement of the complainant regarding the authenticity of the compromise had been recorded and the complainant was fully satisfied with the said compromise and that she was duly identified by her counsel.

Learned counsel for the petitioner further states that the complainant, who appeared before the trial Court as PW1, has not supported the version of the prosecution and turned hostile. It is further stated that the petitioner has been in custody since 25.07.2020.

Learned State counsel, while opposing the prayer for grant of regular bail, does not dispute the aforesaid facts, as stated by learned counsel for the petitioner.

I have heard learned counsel for the parties.

The petitioner has been in custody since 25.07.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would

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be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

22.02.2021
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No