

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

**CRM-M-42926-2021
Date of decision: 25.10.2021**

RAVI

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Anant Kataria, DAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This 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. 0156 dated 07.04.2021, registered under Sections 377, 506 (Sections 450 and 34 added later on) of the IPC at Police Station City Tohana, District Fatehabad, Haryana.

Learned counsel for the petitioner has relied upon the order dated 21.09.2021 passed in CRM-M-37998-2021. The operative part of the same is reproduced as under :-

“...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 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.”

Learned counsel for the petitioner further submits that the allegations against the petitioner are also of identical nature and the petitioner is not involved in any other case and is in judicial custody for the last about 04 months and 25 days.

Learned State counsel on the basis of the custody certificate has

not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions made by learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

25.10.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No