

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

CRM-M No.38724 of 2020

Date of Decision:16.09.2021

(Heard through VC)

Guddu

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Shiv Kumar, 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.206 dated 31.03.2020 under Sections 363, 366-A IPC (Section 6 of the POCSO Act added later on) registered at Police Station Sector-7, District Faridabad.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter. It is argued that all the material witnesses have been examined and in fact the prosecutrix has clearly stated that petitioner-Guddu did not commit rape in his Jhuggi in Faridabad. It is further contended that the FSL report does not support the allegations of offence under Section 376 IPC. It is submitted that custody of the petitioner would no longer be required as the statement of the material witnesses have been recorded and he would not be able to influence complainant in any manner whatsoever, therefore, prays for concession of bail to the petitioner.

Whereas, counsel for the respondent-State would oppose grant

of regular bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, does not dispute the fact that material witnesses have been examined and the FSL report has come negative.

I have heard counsel for the parties and keeping in view that fact that material witnesses have been recorded and FSL report has come negative 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 personal/surety bond of Rs.50,000/- each to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)

JUDGE

September 16, 2021

P.Bhatt

Whether speaking/reasoned Yes/No

Whether reportable Yes/No