

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-40303-2020
Decided on : 10.09.2021

Rohit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.286 dated 22.12.2019 registered under Sections 365, 376(2)(n), 506 IPC and Section 3(2)(VA) of SC/ST Act, 1989 (Sections 346 and 376D IPC were deleted) at Police Station Badhra District Charkhi Dadri.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 13.01.2020 for allegedly giving lift to the co-accused Naveen and the prosecutrix, aged 21 years, in his car. Learned counsel submits that even in her evidence, which was recorded before the trial Court, the prosecutrix has reiterated her statement recorded under Section 164 Cr.PC wherein no allegation of rape was made against him. Still further, submits there is no likelihood of the trial concluding in the near future as subsequent to the registration of FIR in question only one out of 22 prosecution witnesses cited has been examined so far. A prayer has therefore been made for extending the concession of bail to the

petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner qua the role of the petitioner in the crime in question. He, on instructions from DSP Anil Kumar has submitted that only 1 out of 22 PWs has been examined so far which includes the prosecutrix.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 13.01.2020, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

10.09.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No