

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

CRM-M No.40627 of 2020 (O&M)
Date of Decision.11.01.2021
(Heard through VC)

Ravinder and another

...Petitioners

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Nipun Vashist, Advocate
for the petitioners.

Mr. Dhruv Sheoran, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.180 dated 31.03.2020 under Sections 376(2) (n)/506/34 IPC registered at Police Station Pataudi, District Gurugram, Haryana to the petitioners, who are in custody since 31.03.2020.

Counsel for the petitioners herein would contend that in fact the material witnesses have been examined especially the prosecutrix, who stated that she had developed physical relationship with Jai Singh and Ravinder of her own consent and free will and that none of them had committed rape upon her at any point in time. He further contends that other witnesses as well have not supported the case of prosecution. It is also stated that the DNA report has not been made available.

Learned counsel appearing for the respondent-State opposes the regular bail, who argues that no ground is made out for concession of regular bail, however, does not dispute the fact that the prosecutrix herself did not support the case of prosecution.

I have heard learned counsel for the parties.

Keeping in view the fact that the petitioners are in custody since 31.03.2020 and statement of the prosecutrix has been recorded, who did not support the case of prosecution, no useful purpose would be served in keeping the petitioners behind bars. The instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal/ surety bonds 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

January 11, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No