

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

CRM-M-40559 of 2020 (O&M)
Date of Decision: March 01, 2021

Birju @ Chhotu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.273 dated 22.07.2020, under Sections 323, 376, 506, 511 of Indian Penal Code (Sections 354-A, 354-B, 452, 201 of IPC added later on), registered at Police Station Civil Lines, District Sonipat.

Learned counsel for the petitioner *inter alia* would contend that the petitioner herein was taken into custody in the aforesaid FIR on 27.07.2020. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that a reading of the FIR as well as MLRs of the complainant which were conducted on 17.07.2020 and 24.07.2020 respectively would reflect that only injuries were caused with the blunt

weapon on the right shoulder of the complainant and that there was no penetrated sexual assault. It is also contended that investigation is complete, as the challan has already been presented and conclusion of trial will take sufficient time, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigation Officer, opposes the grant of regular bail to the petitioner, while arguing that Section 376 of IPC has to be read with Section 511 of IPC. It is also argued that charges are yet to be framed in the matter.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 27.07.2020 and investigation is complete, as the challan has already been presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

While disposing of the instant petition, this court cannot lose sight of the fact that the complainant and the petitioner are resident of same place, as such, it is hereby directed that during the pendency of the trial, the petitioner shall not visit/enter the vicinity of the complainant and shall also not try to contact the complainant in any manner, either directly or indirectly.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

March 01, 2021
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(JAISHREE THAKUR)
JUDGE

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