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

**CRM-M-42771-2020 (O&M)
Date of Decision: 08.03.2021**

SONUPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.297 dated 20.09.2020, registered under Sections 34, 341, 354, 354-A, 376, 511 IPC (Section 506 IPC added later on) at Police Station Agroha, District Hisar.

As per allegations, the petitioner caught hand of the prosecutrix with bad intention and Sagar tried to commit rape upon the prosecutrix. Challan has been presented, but charges have not been framed so far. Petitioner is in custody since 26.09.2020.

The aforesaid factual details have not been disputed by learned State counsel on instructions from ASI Anju Bala, however, he opposed the bail on the ground that the petitioner and his friend Sagar tried to commit rape upon the prosecutrix against her wishes. Petitioner caught the hand of the complainant with bad intention and also closed her mouth and thereafter co-accused Sagar put down the salwar of the prosecutrix and tried to commit rape upon her.

Since the offence is under Sections 376 and 511 IPC, therefore, keeping in view the custody of the petitioner since 26.09.2020 and stage of the trial, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

March 08, 2021

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No