

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

CRM-M No.40100 of 2019(O&M)

Date of Decision:16.09.2021

(Heard through VC)

Mahipal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dhruvwinder Brar, Advocate and
Mr. Rajesh Duhan, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Chetan Kapoor, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

CRM No.20584 of 2021

Application is allowed.

Annexures P-3 and P-4 are taken on record.

CRM-M No.40100 of 2019

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.267 dated 21.04.2019 under Sections 66E, 67 of IT Act, Section 328, 376, 506 IPC and Section 3(1)(e), 3(1)(w)(i), 3(1)(w)(ii) of SC-ST Act (Sections 3(1)(e), 3(1)(w)(ii) of SC-ST Act have been deleted and Section 3(2)(v) has been added later on along with Section 376(2)(N)IPC) registered at Police Station Gharaunda, District Karnal.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter. It is argued that statements of the

prosecutrix and other material witnesses have been recorded and therefore, question of influencing them by the petitioner would not arise. It is also submitted that the petitioner has been in custody since 24.04.2019 and the trial is likely to take some time to conclude, as only three witness have been examined including the prosecutrix.

Learned counsel for the respondent-State opposes grant of regular bail by contending that the petitioner herein has been nominated as an accused under the said FIR pertaining to offence under Section 376 IPC and the prosecutrix has supported her version. It is also submitted that the objectionable material has been recovered from the phone of the petitioner herein.

I have heard counsel for the parties and have also perused the statements of the witnesses that have been recorded. Admittedly the petitioner is in custody since 24.04.2019 and therefore, keeping in view that fact that the material witnesses have been examined and there is no likelihood of influencing them by the petitioner and the fact that the trial is likely to take some time to conclude, this Court deems it appropriate to allow regular bail to the petitioner. However, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal/surety bond 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.

September 16, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

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