

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

CRM-M No. 719 of 2021 (O&M)

Date of Decision: 23.11.2022

Amit Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 439 of Criminal Procedure Code for seeking regular bail, pending trial in FIR No. 428, dated 04.12.2019, under Sections 376, 384 & 452 of the Indian Penal Code, 1860, registered at Police Station Dadri Sadar, Charkhi Dadri.

2. Allegations in brief are that on 28.01.2017, complainant married with one Anand son of Jaipal. In the month of December 2018, petitioner came to her house and raped her. In order to save her honour, she did not disclose this occurrence to anyone. Also alleged that petitioner started harassing prosecutrix and demanded Rs. 1 lakh. Further alleged that petitioner extorted amount of Rs. 50,000/- and three gold rings. On 03.12.2019, he entered the house of prosecutrix and attempted to commit rape.

3. This Court, on 12.07.2021, granted interim bail to petitioner in the following manner:-

“ Application for pre-ponement of the date fixed in the main case.

Learned counsel for the applicant-petitioner contends that except call details, there is no other material collected during investigation in this case.

Learned State counsel is not able to controvert the above factual position; however, he seeks time to have instructions in the matter.

Posted on 03.09.2021, the date already fixed in the main case.

Petitioner is stated to be in custody since 04.12.2019 and there is no progress of trial, therefore, till the next date of hearing, let he be released on interim bail, in this case, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. ”

4. Although no one is appearing on behalf of petitioner, but learned State Counsel, on instructions from SI Surender, fairly submits that after grant of interim bail, he (petitioner) is regularly appearing before the Court below and there is no other criminal case pending against him. Learned State Counsel also acknowledged, upon instructions, that there is no likelihood of interference with the trial Court proceedings in case petitioner is granted regular bail.

5. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

6. Consequently, the present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 12.07.2021, is made absolute.

He shall be admitted to bail on his furnishing bail/surety bonds to the

Magistrate concerned.

7. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
8. Above observations may not be construed as an expression of opinion on the merits of the case.
9. Also clarified that in case there is any misuse of concession by the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
10. Pending application(s), if any, shall also stand disposed off.

November 23, 2022

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>