

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

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**CRM-M-9682-2022
Decided on : 31.05.2022**

Manjeet alias Mahna

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sumit Sangwan, Advocate
for the petitioner(s).

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.286, dated 22.12.2019 registered under Section 346 of IPC (later on added Sections 365, 376(2)(n), 506 IPC and Section 3(2)(VA) of SC/ST Act, 1989) (Section 346 was deleted) at Police Station Badhra District Charkhi Dadri.

Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 14.01.2020 for allegedly giving lift to the co-accused Naveen and the prosecutrix, aged 21 years, in his car. Learned counsel submits that even in her evidence, which was recorded before the trial Court, the prosecutrix has reiterated her statement recorded under Section 164 Cr.PC wherein no allegation of rape was made against him. Still further, learned counsel submits that there is no likelihood of the trial concluding in the near future, as an application under Section 319 Cr.P.C., for summoning two additional accused i.e. Kapil and Raj Karan, has been allowed by the trial Court and hence, a *de-novo* trial shall commence all over again. He further submits that the petitioner is not involved in any other

criminal case, much less, of similar nature. Hence, in the circumstances, his further incarceration would not serve any useful purpose. A prayer has therefore been made for extending the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner qua the role of the petitioner in the crime in question. He, on instructions from DSP Anil Kumar has submitted that 22 prosecution witnesses have been cited by the prosecution and none has been examined till date, after the application under Section 319 Cr.P.C., was allowed by the trial Court.

Heard.

In view of the facts and circumstances, as enumerated hereinabove, and the submissions made by learned counsel, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed, as the petitioner has been in custody since 14.01.2020. The petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 31, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No