

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 220

CRM-M-12105-2022

Date of decision : 09.08.2022

Mohd. Salam

..... Petitioner

VERSUS

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kunal Dawar, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.77 dated 17.03.2021 registered under Sections 363 and 366-A IPC (Section 201 IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) at Police Station NIT, Faridabad Haryana.

The petitioner is being prosecuted for having raped a minor girl.

Learned counsel for the petitioner contends that the petitioner, who is a 22 year old boy, has been falsely implicated in this case; he is in custody since 21.03.2021; he does not face any other criminal case; a reading of the testimony of the alleged victim clearly brings out falsity in the prosecution's case as there is no enticement or force exerted by the petitioner to kidnap the alleged victim or commit rape upon her; the alleged victim as also the complainant already stand examined before the Trial Court and therefore the petitioner is in no position to influence his trial and since 24 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner has raped a minor girl.

After considering the above submissions as also because the petitioner is a 22 year old boy; he is in custody since 21.03.2021; he does not face any other criminal case; the alleged victim and the complainant have already been examined before the Trial Court and therefore the petitioner is in no position to influence the same and that since 24 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridabad, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

09.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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