

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.213

CRM-M-13526-2022

Date of decision: 12.05.2022

Vinod

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anshumaan Dalal, 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.455 dated 15.10.2021 registered under Sections 363, 366-A, 376-D IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Jind, District Jind.

The petitioner and co-accused Rajesh are being prosecuted for having raped the prosecutrix – a minor.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case at the behest of the prosecutrix; the petitioner has been in custody since 20.12.2020; the petitioner has no other criminal case pending against him; the prosecutrix stand examined before the Trial Court and therefore, the petitioner is not in a position to influence the trial; the prosecutrix while appearing before the Trial Court has categorically exonerated the petitioner and that since in the petitioner's trial 17 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused raped a minor girl.

The prosecutrix while appearing before the Trial Court as PW-1 has categorically stated that it was not the petitioner who committed rape upon her; the petitioner has no other criminal case pending against him and

since in the petitioner's trial 17 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Jind, 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.

May 12, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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