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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40445-2022
Date of decision: 16.12.2022

RAMESH @ HUNNY

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashok Kumar, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 0184 dated 25.09.2018, under Sections 376, 363, 366-A, 120-B of the IPC and Section 4 of the POSCO Act, registered at Police Station Hassanpur, District Palwal, Haryana.

Learned counsel for the petitioner herein would contend that the petitioner herein has been falsely implicated in the present case as would be evident from the very status report filed on behalf of the respondent-State. In para No.9 of the said status report, it is stated that the DNA profile of the petitioner herein did not match with the source item No.1 i.e. the *Salwar* of the victim. Apart from this, it is submitted that the petitioner has been in custody since 30.10.2019 and as on date, out of total 29 prosecution witnesses cited, 8 have already been examined along with the victim and the complainant,

whereas conclusion of the trial is likely to take a long time.

Per contra, learned State counsel, on instructions from Sub-Inspector Shiv Charan, would oppose grant of bail to the petitioner by contending that the petitioner herein with six persons was nominated as an accused in this case and five of them are still absconding. However, she is not in a position to dispute the averments made in the status report.

I have heard learned counsel for the parties and have also perused case file.

Without commenting on merits of the case and keeping in view the fact that the statements of the complainant as well as victim having been recorded and the DNA of the petitioner having not matched with the source item No.1 i.e. the *Salwar* of the victim, this Court is of the opinion that *prima facie*, the petitioner is entitled to regular bail at this stage of the trial as no useful purpose would be served in keeping the petitioner behind bars any longer. The instant petition is allowed and the petitioner is directed to be released on bail subject to his furnishing personal as well as surety bonds in the sum of Rs.2,00,000/- each to the satisfaction of concerned trial Court/Duty Magistrate.

However, it is made clear that the observations made herein are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.12.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No