

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 217

CRM-M-15014-2022

Date of decision : 27.07.2022

Mehar Dass

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Rahul Jaswal, 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.125 dated 04.07.2019 registered under Sections 366 and 366-A IPC (Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act), 2012 added later on) at Police Station Sanoli, District Panipat.

Briefly stated, the case of the prosecution is that Seema, who was the victim's uncle's daughter, after administering some intoxicant to the victim took her to Panipat where co-accused Ankit met them and alongwith Ankit they went to Rohtak via Gohana. At Rohtak co-accused Akshay met them who solemnized Court marriage with Seema and then all of them went to the house of Akshay's aunt where the petitioner, Akshay and Ankit raped the victim and while they were doing so Seema and the petitioner's wife did not stop them. After two days Ankit again raped the victim and thereafter dropped her on the road.

Learned counsel for the petitioner submits that the petitioner, who is 28 years of age, has been falsely implicated in this case; he is in custody since 28.03.2022; he does not have any other criminal antecedents; the victim while appearing before the Trial Court has specifically stated that the petitioner did not commit any wrong act upon her; the complainant (brother of the victim) while appearing before the Trial Court has also exonerated the petitioner; at an earlier point of time, after investigation of the FIR in question, the investigating agency had declared the petitioner to be

innocent and that the petitioner was summoned to face trial under Section 319 Cr.P.C.; all the material witnesses have since been examined before the Trial Court and that since 15 prosecution witnesses still remain to be examined in the petitioner's trial, the same will 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.

The petitioner, who is 28 years of age, is in custody since 28.03.2022; he does not face any other criminal case; the alleged victim as also her brother, while appearing before the Trial Court as witnesses of the prosecution, have given a clean chit to the petitioner; at an earlier point of time, after investigation of the FIR in question, the investigating agency had declared the petitioner to be innocent and that he was summoned to face trial under Section 319 Cr.P.C.; all the material witnesses have been examined before the Trial Court and that since 15 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, Panipat 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.

27.07.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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