

MAHABIR DAHIYA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rakesh Nehra, Sr. Advocate with
Ms. Bindu Tanwar, Advocate and
Mr. Reetesh Kumar, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

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VIVEK PURI, J. (ORAL)

CRM-26705-2022

This is an application for placing on record the copy of the order dated 06.10.2020 passed by the trial Court as Annexure P-5. The same is allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 62 dated 13.07.2020 under Sections 376D, 506 IPC (Section 120B IPC added later on), registered at Police Station Women, District Sonipat.

Briefly, the FIR has been registered on the allegations that on 09.07.2020, the prosecutrix had gone to the office of the petitioner for the purpose of purchase of a plot. However, the petitioner committed wrong act

with her and threatened to kill her and her family members in the event she discloses the incident to any other person.

Learned Senior counsel for the petitioner contends that the FIR has been lodged after a delay of four days. The statement of the prosecutrix under Section 164 Cr.P.C. has been recorded, wherein she has given a different version to the effect that she had approached the petitioner for the purpose of procuring a job. She improves her version by introducing another person in the occurrence. At a subsequent stage, she again improves her version and introduces a lady namely Mamta as an accused. The petitioner is in custody for a period of 02 years and 19 days and is not involved in any other case. The statement of the prosecutrix has been recorded. The petitioner is a 70 years old man and the prosecutrix is 28 years old married lady having two children.

Learned State counsel has opposed the bail application on the score that serious allegations have been levelled against the petitioner. It has also been stated that one of the co-accused namely Mamta has jumped the bail and 5 out of 16 witnesses have been examined.

It is significant to note that the petitioner is a 70 years old man. The prosecutrix is stated to be giving different/improved version during the course of investigation. There is a delay of 4 days in lodging the FIR. The statement of the prosecutrix during the course of trial has been recorded. As such, it cannot be said that the petitioner can win over the witnesses. Only 5 out of 16 witnesses have been examined so far. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

02.08.2022

Janki

(VIVEK PURI)
JUDGE

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