

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-29368-2022
Date of decision: 15.07.2022**

Raja Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sarfaraj Hussain, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 87 dated 30.03.2021, registered under Sections 377 and 506 of the IPC at Police Station Sector -6, Bahadurgarh, District Jhajjar.

The first petition, bearing CRM-M-47426-2021, was dismissed as withdrawn on 02.05.2022.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in long judicial custody of more than 01 year and 03 months and till date, no prosecution witness has been examined.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant/victim (name withheld), it is stated that he is working as a helper in a factory and on 21.03.2021 at about 10:00 P.M., petitioner Raja Kumar and the victim were alone in the room and the petitioner forcibly committed the offence of

sodomy with the victim.

Learned counsel for the petitioner further submits that the FIR was registered on 30.03.2021 i.e. after a delay of 09 days and the complainant/victim is above the age of 18 years and there is no explanation regarding delay in registration of the FIR.

Learned State counsel has filed the custody certificate and has not disputed the factual position. It is submitted that the charges have been framed, however, the complainant/victim has not been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 01 year, 03 months and 14 days; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take a long time as no PW has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

15.07.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No