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

CRM-M-34811-2021 (O&M)
Date of Decision: 14.11.2022

ARVIND

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Ram Kumar Singla, D.A.G., Haryana.

HARSH BUNGER, J.

CRM-43144-2022

This is an application for placing on record the statements of
PW4-Ritu and PW5-Atul Kumar as Annexures P-2 and P-3.

Criminal Misc. Application is allowed as prayed for. Annexures
P-2 and P-3 are taken on record, subject to all just exceptions.

CRM-M-34811-2021

The instant petition has been filed under Section 439 of the
Code of Criminal Procedure, 1973, for grant of regular bail to petitioner
namely, Arvind, in case FIR No.71 dated 05.11.2020 registered under
Sections 354, 376, 506, 354-D IPC and 3(2)(V) of the Scheduled Caste and
Scheduled Tribes Act, 1989 (amendment 2015) and 67A of the Information
Technology (amendment) Act, 2008 at Police Station Women, Police
Station, Hansi, District Hisar.

Learned counsel for the petitioner contends that the petitioner is behind the bars since 07.11.2020 i.e. for more than two years. It is submitted that the petitioner has falsely been implicated in the present case as although the incident is alleged to have taken place in the year 2017, however, the present FIR was got registered only on 05.11.2020 i.e. after an inordinate and unexplained delay of three years. It is further submitted that the material particulars in respect of month, date and time of the alleged incident are not forthcoming in the FIR. It is also contended that the investigation in the matter is complete; challan has been presented; charges have been framed and conclusion of trial will take sufficient long time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from Ms. Renu, ASI has opposed the grant of regular bail to the petitioner by submitting that the offences alleged against him are serious in nature and one more case i.e. FIR No.26 dated 09.06.2018 under Section 354-D IPC registered at Police Station Hisar, is pending against him. Accordingly, the petitioner is not entitled to the concession of regular bail.

I have heard learned counsel for the parties and gone through the record with their able assistance.

As per custody certificate dated 19.09.2022, the petitioner has undergone 01 year 10 months and 12 days of custody, thus, as on today; he is in custody for more than two years. It is informed that there are total 15 witnesses, out of which, 5 witnesses have been examined. The

investigation in the matter is complete as the challan has been presented and even the charges have been framed. The trial is likely to take some time. No useful purpose would be served by keeping the petitioner behind bars.

It is further noticed that in the instant case, even the statement of the prosecutrix as well as her brother namely, Atul already stands recorded on 21.10.2022. The same have been taken on record as Annexures P-2 and P-3 by allowing **CRM-43144-2022** vide order of even date.

So far as another case i.e. FIR No.26 dated 09.06.2018 registered under Section 354-D IPC registered at Police Station, Hisar, is concerned, learned counsel for the petitioner has referred to an order dated 26.09.2018 passed in **Criminal Misc. No.M-41688-2018** titled as **Arvind vs State of Haryana**, wherein, the petitioner has been admitted to regular bail.

At this stage, without commenting anything on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of any opinion on the merits of the case.

November 14, 2022
gurpreet

(HARSH BUNGER)
JUDGE

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