

CRM-M-32354-2022(O&M)
Date of decision: 30.09.2022

RAKESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chanakya Batta, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI,J. (ORAL)

Mr. Rajesh Bansal, Advocate has put in appearance on behalf of the complainant and filed power of attorney, which is taken on record.

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Rakesh-petitioner is seeking regular bail in the case bearing FIR No.219 dated 25.03.2022 under Sections 195-A/323/354-D/506/509 IPC, 1860, registered at Police Station Samalkha, District Panipat.

Briefly, the FIR has been registered on the allegations that on 25.03.2022, the petitioner came on a motorcycle and threatened the complainant to withdraw the FIR No.25 dated 10.01.2022. Thereafter, he started giving beatings with an intention to commit rape.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 06 month and 04 days. The offences are triable by the

Court of learned Judicial Magistrate 1st Class. The charge was framed on 08.06.2022 and the complainant had not appeared for her examination on 24.08.2022. The petitioner has been ordered to be released on bail in the earlier case which has been registered against him at the instance of the father of the complainant.

Learned State counsel has submitted that out of 12, only 02 witnesses have been examined so far.

Learned counsel for the complainant submits that the marriage of the complainant is to be solemnized on 04.11.2022 and there is an apprehension that the petitioner may create disturbance in the wedding ceremonies.

Faced with this situation, learned counsel for the petitioner submits that the complainant is the resident of Shashtri Nagar, Samalkha and he undertakes that the petitioner will not visit that area till 05.11.2022. This undertaking is being given only to dispel the apprehension that the petitioner may create any disturbance in the wedding though, such an apprehension is devoid of substance.

The petitioner is in custody for a period of 06 months and 04 days. He is on bail in another case registered against him. The offences are triable by the Court of learned Judicial Magistrate 1st Class. So far, out of 12, only 02 witnesses have been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. Even, the learned counsel for the petitioner has given undertaking that petitioner will not visit the area where the complainant is residing till 05.11.2022 to dispel the apprehension that he may create disturbance in the marriage of the complainant scheduled to be held on 04.11.2022. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

30.09.2022
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(VIVEK PURI)
JUDGE

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