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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44102-2021
Date of decision : 18.01.2022

Vinod

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Tribhawan Singla, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.002 dated 13.01.2021, under Sections 323, 354, 354(a)(1)(i), 367, 506, 34 IPC; Section 3 of SC/ST Act and Section 25 of Arms Act, registered at Women Police Station, Hisar, District Hisar.

The FIR in question was lodged by the prosecutrix on the basis of allegations that she is a student of B.Com at Government College, Hisar. On 13.1.2021, at about 11:00 am she boarded an auto and thereafter, two boys also boarded the auto. One was driving the auto and other was sitting besides the driving seat. When the auto reached near Airport, the boy who

was driving came on back seat and other boy started driving the auto. The boy who was on back seat caught her mouth with his hand and was wearing mask also. Both these boy tried to strangle the prosecutrix from the neck and caused stretch marks on her neck. The prosecutrix raised hue and cry and they did beat the prosecutrix and molest her. They threatened that they will kill the prosecutrix and after raping throw her at some isolated place. The FIR was lodged and request was made to take legal action against the accused.

Learned counsel for the petitioner has vehemently contended that the allegations are false and frivolous. He contends that all the Sections are bailable except Section 367 IPC. He contends that the petitioner is behind bars since 13.1.2021 and now the prosecutrix has reiterated the allegations made in the FIR, but the petitioner is a young boy and is behind bars from the last about 1 year. There cannot be said to have been any apprehension of tampering with the ongoing trial as the material witnesses are already examined. He submits that the present petitioner be enlarged on bail on the basis of parity with co-accused namely, Naveen who has already been granted bail by this Court vide order dated 7.10.2021 passed in CRM-M-37307-2021.

Learned State counsel has opposed the contentions raised by learned counsel for the petitioner. He submits that both the accused are specifically named in the FIR and attributed specific role. He submits that out of 21 prosecution witnesses, 9 witnesses have been examined.

I have heard learned counsel for the parties.

In the overall facts and circumstances of the case, I find that the learned counsel for the petitioner has made out a case for grant for regular bail. The trial would take sufficient time for its conclusion and no purpose would be served by keeping the petitioner in custody for such a long time. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.01.2022
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No