

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45066-2021
Date of Decision: 01.02.2022

Kaptan @ Monu

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Petitioner-Kaptan @ Monu has prayed for grant of regular bail in case FIR No.522 dated 26.11.2019, under Section 365 IPC (Section 376-D, 342, 506 read with Section 34 of the IPC and Section 4 & 6 of POCSO Act added later on), registered at Police Station Sampla, District Rohtak.

Briefly, the FIR was initially registered under Section 365 IPC on the basis of the statement of the father of the victim. Subsequently, the victim was recovered and in her statement under Section 164 Cr.P.C., she had nominated Lokesh and further stated that two other persons had committed rape upon her.

Learned counsel for the petitioner has contended that Lokesh, co-accused has been granted bail by the Co-ordinate Bench of this Court in terms of the order dated 11.11.2021 passed in CRM-M-45506-2021.

It has further been stated that the victim had refused the medical examination on 27.11.2019 and subsequently, the victim, her father and mother have not supported the prosecution version during the course of trial. Petitioner has undergone incarceration for a period of 1 year, 10

months and 5 days. At the time of declining the concession of bail, learned Addl. Sessions Judge had granted interim bail for a period of one month which is enuring till date.

Learned State counsel, on instructions of SI Hawa Kaur, has submitted that out of 13 out of 20 witnesses are yet to be examined.

Petitioner has undergone incarceration for a period of 1 year, 10 months and 5 days. Victim and her parents have not supported the prosecution version. Similarly placed co-accused namely, Lokesh has been released on bail and conclusion of trial is likely to take some time. In such circumstances, no fruitful purpose would be served by detaining the petitioner in custody.

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 requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. However, it is made clear that the petitioner shall furnish fresh bail bonds within a period of 15 days as he has already been released on interim bail by the trial Court.

The petition is allowed.

01.02.2022

Janki

(VIVEK PURI)
JUDGE

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