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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8846-2023 (O&M)
Date of decision : 18.07.2023

Himanshu ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ketan Antil, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0342 dated 12.07.2022 under Sections 376, 506 and 120-B of the Indian Penal Code, 1860 (Section 120-B deleted later on) registered at Police Station Civil Lines, Sonipat, District Sonipat, Haryana.
2. Learned counsel for the petitioner would contend that there has been a delay of 01 year in lodging the FIR. It is further the contention of learned counsel that main accusation in the present case was against the husband of the prosecutrix, who has since been found innocent. Learned counsel would further contend that the prosecutrix had also refused to get herself medically examined. It is further the contention that the petitioner has

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been in custody for a period of 11 months and 27 days and that out of 18 prosecution witnesses, only 08 have been examined so far.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 11 months and 27 days. Learned counsel for the State has contended that there are serious allegations against the petitioner. Learned State counsel on instructions from ASI Rakesh has stated that the prosecutrix has since been examined. Learned State counsel is, however, not in a position to deny the fact that there has been a delay of 01 year in lodging the FIR and that out of 18 witnesses only 08 have been examined so far and further that the co-accused i.e. husband of the prosecutrix against whom allegations are of having made the videos, has since been found innocent.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 11 months and 27 days and the prosecutrix since stands examined. Further, out of 18 prosecution witnesses only 08 have been examined and the co-accused i.e. husband of the prosecutrix against whom allegations are of having made the videos, has since been found innocent. There has been a delay of 01 year in lodging the FIR.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

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7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.
8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
9. Disposed off. Pending applications, if any, also stand disposed off.

18.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO