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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36339-2023 (O&M)
Date of decision : 05.09.2023

Rinku ... Petitioner(s)

Versus

State of Haryana and another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pankaj Nanhera, Advocate and
Mr. Rahul Gautam, 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.75 dated 20.05.2022 under Sections 506, 509 of the Indian Penal Code, 1860 and Sections 4, 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3, 33, 89 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Women Ballabgarh, District Faridabad (Annexure P-1).
2. Learned counsel for the petitioner would contend that the petitioner in the present case was in a relationship with the victim which was a fact known to the families also. Learned counsel would further contend that though the petitioner and the victim were in a relationship, however,

there was no intimate relationship between them. It is further the contention that though the medical of the victim was done on the same day of the alleged incident i.e. 20.05.2022 and the swabs collected were sent to FSL, however, the FSL Report dated 29.06.2022 (Annexure P-5) states that no semen was deducted on the Exhibits. Learned counsel would further contend that both the material witnesses i.e. victim and her mother stand examined in the present case and that out of 31 prosecution witnesses, only 03 have been examined. The petitioner has been in custody for a period of 01 year 03 months and 11 days.

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 01 year 03 months and 11 days.

4. Heard.

5. In the present case, learned counsel for the State is not in a position to deny the fact that the FSL Report is negative. Learned State counsel has also stated that out of 31 prosecution witnesses only 03 have been examined, however, both the material witnesses i.e. victim and her mother stand examined in the present case. The petitioner has been in custody for a period of 01 year 03 months and 11 days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

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

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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.

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.

05.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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