

CRM-5742-2023 in/and
CRM-M-52806-2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(108+212)

CRM-5742-2023 in/and
CRM-M-52806-2022
Date of Decision:-15.02.2023.

Bagga

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Vaishali Kamboj, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

CRM-5742-2023

Application for placing on record order dated 04.10.2022
passed by the learned Additional Sessions Judge, as Annexure P-4 is
allowed, subject to just exceptions.

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Present petition is for grant of regular bail to the petitioner in
case FIR No.405 dated 20.06.2022, initially lodged under Sections 313,
342, 376 (2)(n), 34 and 506 of IPC, (subsequently deleted Sections 313,
342 and 34 of IPC, registered at Police Station Sadar Thanesar, District
Kurukshetra.

Learned counsel for the petitioner has submitted that the

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prosecutrix has not supported the prosecution version and has testified, wherein she has retracted. The prosecutrix has specifically stated that the petitioner had not committed any wrong act with her without her consent.

Learned State counsel has filed the custody certificate, which is taken on record.

Heard the learned counsel for the parties.

The petitioner is in custody for the last 05 months and 13 days and moreso, the material witnesses have already been examined, who have not supported the case of the prosecution. Trial is likely to take long time. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

February 15, 2023.

Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No