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THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62990-2023

Date of decision: 19th December, 2023

Naresh Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nirmal Singh, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. :-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
382	19.08.2021	Sadar Thanesar, District Kurukshetra	363 and 366 of Indian Penal Code, 1860 (for short ‘the Act’)

2. Learned counsel for the petitioner has submitted that the petitioner was arrested in the aforementioned case as on 30.09.2021 but had been extended benefit of regular bail. However, his bail was subsequently cancelled and bonds were forfeited to the State. Now he is in custody since 29.03.2023. During investigation, offence under Section 366-A of the Act has been deleted and offence under Section 366 of Act has been added. His custodial interrogation is not required. Even the victim has been examined on 25.04.2023 and has not supported the prosecution version. No useful purpose would be served by keeping him in custody. Hence, it is urged that

he deserves to be given concession of bail.

3. Learned counsel for the petitioner has placed on record a copy of order dated 01.07.2023 passed by Court of learned Additional Sessions Judge, Fast Track/ Special Court, Kurukshetra saying that bail of the petitioner was cancelled on 17.03.2022. The application filed by him before the learned trial Court had been dismissed. He has also placed on record a copy of statement recorded by the prosecutrix on 25.04.2023 showing that she has not supported the prosecution version.

4. The petitioner had jumped his bail as on 17.03.2022. Now he is in custody for more than eight months. Previously he had been extended benefit of bail. No useful purpose would be served by kept him in custody. The petition is allowed. He is ordered to be released on bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court.

5. Since the main case has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th December, 2023

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*