

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

**CRM-M-1958 of 2024 (O&M)
DATE OF DECISION :- 30.01.2024**

Rajesh @ Gholu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sunil Saharan, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 563 dated 26.07.2023, registered for the offences punishable under Sections 366,376,307,323,201 IPC at Police Station Azad Nagar, District Hisar.

2. Counsel for the petitioner submits that the petitioner is in custody since 28.07.2023 & the challan has been presented after investigation. Learned counsel has further argued that FIR in question is outcome of fall out of consensual relationship between the petitioner and the victim. To buttress his arguments, learned counsel for the petitioner has placed reliance upon the factum of earlier F.I.R. No. 122 dated 03.04.2019 registered for the offences punishable under Sections 323,34,365,379A,506

IPC at Police Station Azad Nagar Hisar, District Hisar which was also lodged by the complainant/victim against the petitioner & she had not raised any objection qua the cancellation report submitted in the said FIR. Thus regular bail is prayed for.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the parties and have gone through the available records of the case.

5. The petitioner is in custody since 28.07.2023. The Challan stands presented on 18.10.2023 wherein total 23 prosecution witnesses have been cited. None of the prosecution witnesses have yet been examined & conclusion of trial will take its own time. As per the custody certificate dated 29.01.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 6 months and is not shown to be involved in any other serious matter. The rival contentions of the learned counsel for the parties regarding the weightage required to be attached to the earlier FIR got registered by the complainant/victim (herein) against the petitioner as also her not raising any objection to the acceptance of the cancellation report will be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions at this stage. No tangible material has been brought on record to show that there is likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. In the considered opinion of this Court, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

30.01.2024

P.Singh

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No