



Sr. No.211

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

CRM-M-28278-2024
Date of decision: 29th August 2024

ISRAILPetitioner

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sarfraj Hussain, Advocate and
Mr. Akash Sheoran, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by ASI Geeta.

Mr. Jaswant Singh, Advocate for
Mr. Rajesh Bansal, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, 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 case bearing FIR No.14 dated 30.01.2024, under Sections 376(2)(n), 452, 506 IPC, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sanoli, District Panipat.
2. The petitioner is facing trial with the allegations that he has committed rape upon the prosecutrix, who is aged about 17 years.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. The material witnesses have been examined and they have not supported the prosecution case. The petitioner is in custody since 03.02.2024. Conclusion of trial is going to take some time.



4. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

4.1 Learned State counsel has filed custody certificate of the petitioner dated 28.08.2024, which is taken on record. As per the custody certificate, the petitioner has undergone 06 months and 26 days of actual custody. Learned State counsel has informed that there are total 21 prosecution witnesses, out of which, 03 prosecution witnesses have been examined.

5. I have heard the learned counsel for the parties and perused the relevant documents.

6. As per the statement of the victim girl recorded during the trial on 23.08.2024, no sexual assault took place. PW-2 mother of the victim and PW-3 father of the victim have also not supported the prosecution case.

7. As per the copy of the Medico Legal Report (Annexure R-1), there is no external injury on the person of the victim. The veracity of the statement of the victim recorded during the trial and under Section 164 Cr.P.C. is a matter of trial.

8. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court and charges have been framed. Out of total 21 prosecution witnesses, only 03 witnesses have been examined so far. Material witnesses have been examined. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.



9. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

29th August 2024
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No