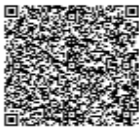


CRA-S-2820-2024 (O&M)

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:168324



CRA-S-2820-2024 (O&M)
DATE OF DECISION : 16.12.2024

RAJAT ALIAS NONI ... APPELLANT
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Dinesh Arora, Advocate with
Mr. Ashish Khatkar, Advocate for the appellant.
Mr. Amrik Singh Narwal, D.A.G., Haryana.
Mr. Rakesh Kumar Lathwal, Advocate for respondent No.2.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The appellant is aggrieved against the order dated 31.07.2024 passed by the learned Addl. Sessions Judge, Rohtak whereby his regular bail application has been dismissed in FIR No. 102 dated 01.12.2023 registered under Sections 354A, 376, 365, 506, 204, 120-B, 34 IPC and Section 3(2) (V), 3(2)(VA) of the Scheduled Castes and Scheduled Tribes Act at Police Station Mahila, Rohtak.
2. Custody certificate reflecting the custody of the appellant as 06 months and 12 days has been taken on record.
3. Mr. Rakesh Kumar Lathwal, Advocate has filed power of attorney on behalf of respondent No.2 and submits that he has no objection if the appellant is released on bail.
4. I have heard learned counsel for the parties and have also gone through the paper-book.

CRA-S-2820-2024 (O&M)

5. The appellant is alleged to have participated in the abduction of the victim and subsequently brought her back from the place of occurrence. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-2), co-accused Sawar used to call the prosecutrix in a Hotel and she was being physically violated. In the said statement, the prosecutrix has not levelled any allegations of physical assault or violation by the appellant. Even as per the Regional Forensic Science Laboratory Report (Annexure R-3), there is no incriminating evidence against the appellant.

6. The investigation of the case is complete and the challan has already been presented in the Court. The conclusion of the trial is going to take time. In view of such circumstances, the appellant is able to make out a case for releasing him on bail. Consequently, the order dated 31.07.2024 passed by the learned Addl. Sessions Judge, Rohtak is set aside. The appellant is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. The appeal is allowed.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

16.12.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No