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2024:PHHC:045185

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.44574 of 2023 (O&M)

Date of Decision: 04.04.2024

Rakesh @ Kallu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the above-named petitioner has made 2nd attempt to seek the relief of regular bail in the criminal case arisen out of the FIR bearing No.0207 dated 15.05.2023 registered at Police Station Central Faridabad, District Faridabad, under Sections 323, 452, 506, 354-A(1) and 379-A IPC. It is worth-while to mention here that the bail petition bearing **CRM-M No.32623 of 2023**, as preferred by him earlier, was dismissed by this Court on 02.08.2023 for its having been withdrawn.

2. Shorn and short of unnecessary details, the allegations, as levelled by the prosecutrix in the subject FIR, are that on 14.05.2023, the petitioner came to the shop, wherein she had been working and snatched

her mobile-phone, while threatening to kill her in case, she disclosed the incident to her family members and on the next day, he again came to the shop and tried to outrage her modesty and gave her slaps and fist blows and also took away the money, as lying in the cash-box.

3. Status-Report, as submitted on behalf of the respondent-State by way of the affidavit of the Assistant Commissioner of Police, Central Faridabad, along-with Annexures R-1 to R-3 and vernacular version of Annexure R-2, is already available on the file and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner has been in custody in this case since 16.05.2023 and the Challan has already been presented and Charges have also been framed and while appearing in the witness-box as PW-1, PW-2 and PW-3 respectively, the prosecutrix, her brother and her cousin brother turned hostile and refused to support the version of the prosecution and moreover, the petitioner is not involved in any other criminal case of the similar nature and in these circumstances, he (petitioner) deserves the relief, as prayed for in the instant petition.

6. Learned State counsel does not dispute the afore-referred factual position but he opposes the prayer of the petitioner for the grant of the relief of regular bail.

7. However, keeping in view the above-discussed undisputed facts and circumstances and also the fact that the trial of the case is likely to take sufficient/considerable time to conclude and without commenting or expressing any opinion on the merits of the criminal case under reference, the petitioner named Rakesh @ Kallu is, hereby, ordered to be released on regular bail subject to furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. The petition in hand stands allowed accordingly.

04.04.2024
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No