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2024 : PHHC : 053295

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55147-2023

DATE OF DECISION : 20.04.2024

ARJUN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Dr. Pankaj Nanhera, Advocate with
Mr. Angad Saharan, Advocate for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 70 dated 04.06.2023 (Annexure P-1) registered under Sections 120-B, 363, 366 of the IPC (Section 376(2)(n) of IPC added later on) at Police Station Rori, District Sirsa, Haryana.

2. The brother of the prosecutrix got registered the FIR on the allegations that on 24.04.2023, the prosecutrix had gone from her house situated at Village Bhadra, District Sirsa to a Sewing Centre at Sirsa. However, at 7 P.M., the complainant received the information that she did not reach the said Centre. The complainant received the information that the petitioner and prosecutrix are staying in a house belonging to Saroj at Street No.8, Friends Colony Sirsa since 3-4 days. The petitioner was apprehended on 09.06.2023 and the statement of the prosecutrix was also recorded under Section 164 Cr.P.C. on 09.06.2023.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 12.06.2023. The statement of the material witnesses

including the victim, her mother and sister has already been examined during the trial.

4. State has filed the status report by way of affidavit of Gurdial Singh, Deputy Superintendent of Police, Kalanwali, District Sirsa along with Annexures R-1 to R-3.

5. I have considered the facts and circumstances of the case.

6. The prosecutrix is major. Investigation is complete. Final report under Section 173 Cr.P.C. has been presented. Charges have been framed. As per the medico-legal examination report of the prosecutrix (Annexure R-1), no marks of any fresh injury has been seen at the time of examination. In the disclosure statement (Annexure R-2), the petitioner has alleged that they were staying like husband and wife in a rented accommodation. The conclusion of the trial is going to take time since at present only 3 witnesses out of 24 have been examined.

7. Keeping in view the totality of the circumstances and without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

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

20.04.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No