

Sr. No.213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57032-2023
Date of decision: 03rd May, 2024

AAKASHPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. B.S. Tewatia, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.329 dated 16.06.2023, under Sections 363, 366, 376(2)(n), 201, 34, 450, 506 of IPC, registered at Police Station Hodal, District Palwal (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody for the last 09 months and 07 days. The petitioner is just 18 years old, whereas, the prosecutrix is 28 years old. She is married and having 04 children. It was a consensual relation *inter se* the petitioner and the prosecutrix. Even the statement of the owner of the house (Annexure P-3) has been recorded, wherein, it has been mentioned that the petitioner and the prosecutrix had stayed in her house from 13.06.2023 to 26.06.2023. The prosecutrix has been paying rent as well as electricity bill to the landlord.
3. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Status report dated

of Police, Hodal, District Palwal has also been filed on behalf of respondent-State of Haryana, along with Annexures R-1 to R-5 and custody certificate dated 01.05.2024, which are taken on record.

5. I have considered the aforesaid contentions and perused the paper book.
6. Investigation is complete. Charges have been framed. Final report/challan under Section 173 Cr.P.C. has been presented. All the material witnesses have been examined during the trial. 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, keeping in view the aforesaid facts and circumstances and without expressing anything on the merits of the case, the present petition is allowed.
7. 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.
8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
9. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

03rd May, 2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No