

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

(Heard through VC)

CRM No.22286 of 2020 in/and
CRM-M-1028 of 2020 (O&M)
Date of Decision: September 14, 2020

Danish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Lalli, Advocate
for the petitioner.

Mr. Deepshikha Chauhan, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-22286-2020

This is an application that has been filed for preponing the hearing in the main petition for grant of regular bail.

For the reasons mentioned in the application, the same is allowed. Hearing in the main petition is preponed and the same is taken up today.

CRM-M-1028-2020

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.242 dated 21.11.2018, under Sections 328, 354, 363, 364, 365, 366, 376 of Indian

Penal Code and Section 4 of POCSO Act, registered at Police Station Sanauli, District Panipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 04.04.2019. It is submitted that the petitioner has been falsely implicated in the present case on the basis of a concocted story. It is argued that the FSL report does not support the allegations of rape. While placing reliance upon the zimni orders of the trial court (Annexure A-1), learned counsel for the petitioner submits that after the framing of the charges on 06.05.2019, several attempts have been made by the trial court to procure the presence of the prosecutrix and her father i.e. the complainant, however, they did not turn up to give their statements despite service of summons and theirailable warrants were issued by the trial court. It is also contended that the courts are not functioning at their full strength due to Covid-19 pandemic, as such, it will take sufficient time to conclude the trial, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. However, she does not dispute the fact that since the framing of charges by the trial court on 06.05.2019, the statements of prosecutrix and her father could not be recorded, as they are not turning up.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in

custody since 04.04.2019 and that the trial is likely to take sufficient time to conclude as the courts are not working at their full strength due to Covid-19 pandemic, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond and heavy surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

September 14, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No