

CRM-M-8320-2020

Date of decision: 22.09.2020

Bhim

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Namit Khurana, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Bhim who is in custody since 10.07.2019 in a case bearing FIR No.85 dated 06.07.2019 under Sections 365, 376-D of the Indian Penal Code and Section 6 of the POCSO Act and Section 3(2)(v) of the SC/ST Act registered at Police Station Jathlana, District Yamuna Nagar, has sought this second regular bail under Section 439 Cr.P.C. (first one having been dismissed as withdrawn vide order dated 09.12.2019).

The present case was got registered on the statement of father of a girl aged around 12 years. It is alleged that during the

intervening night of 05.07.2019 and 06.07.2019, his daughter/prosecutrix, disappeared from home. Subsequent upon recovery of the girl, her statement was got recorded under Section 164 Cr.P.C. by the learned JMJC, Jagadhari on 09.07.2019. In her statement, the girl has levelled the allegations that on 04.07.2019, the accused/non-applicant-Deepak had telephoned her and on his asking, she came to bus stand, from where the accused/petitioner-Bhim along with co-accused/non-applicant-Deepak gave lift to the girl and, thereafter, Deepak took the girl to a parked truck where she was offered drink laced with intoxicants which she consumed and, thereafter, became unconscious and was ravaged by the accused.

Learned counsel for the petitioner *inter alia* contends that no specific role is attributed to the petitioner in the commission of the offence and that he is behind the bars since 10.07.2019 and that on account of present pandemic, the trial is not progressing.

The learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the grounds of heinousness of the offence. It is claimed that a minor girl has been defiled by co-accused of the petitioner and if allowed bail, the petitioner might stifle the trial.

The allegations against the petitioner are merely of having accompanied the girl and Deepak on a motor bike. The prime allegations are against the co-accused/non-applicant-Deepak. The petitioner is behind the bars since a long time and in view of the fact

that due to the pandemic COVID-19, the trial is not progressing, this Court deems fit to allow the present petition. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

22.09.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No