

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

(Heard through VC)

CRM No.15539 of 2020 in/and
CRM M-10516 of 2020 (O&M)
Date of Decision: July 16, 2020

Dalip Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-15539-2020

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

CRM-M-10516-2020

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.82 dated 19.11.2019, under Sections 323, 341, 354(D), 376(2)(n), 384, 450, 506, 34 of Indian Penal Code, registered at Police Station Mahila (Women), District Fatehabad.

Learned counsel for the petitioner contends that the petitioner

herein was taken into custody in the aforesaid FIR on 20.12.2019. It is argued that the allegations as set out in the FIR are patently false, while contending that he, in fact, got FIR No.220 dated 13.11.2019 registered at Police Station Bhattu Kalan, under Sections 120-B, 294, 506 of Indian Penal Code against the complainant herein, her brother and nephew, a week prior to the registration of the instant FIR. It is submitted that in the instant case, the prosecutrix refused to get herself medically examined whereas, as per the report received from Forensic Science Laboratory, Madhuban, Karnal, human semen has been detected only from one of the exhibits (lower of the petitioner) and it has not been detected from rest of the exhibits. It is further argued that the instant FIR is nothing, but a counter-blast to the FIR got lodged by the petitioner against the complainant and her relations. It is also contended that investigation is complete, as the challan has already been presented and it will take sufficient time to frame the charges and conclude the trial due to Covid-19 pandemic situation, 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 challan has already been presented in the matter.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 20.12.2019, that investigation is complete, as the challan has already been presented and that

due to Covid-19 pandemic, the working of the court has been limited to the urgent matter only, 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 adequate personal bond and 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.

July 16, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No