

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M No.10676 of 2020

Date of Decision : 04.08.2020

Devil Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankit Grewal, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.422 dated 31.08.2018 registered under Sections 363, 366A, 376, 120-B IPC, Section 6 of POCSO Act and Section 81 of Juvenile Justice (Case and Protection of Children) Act 2015 at Police Station Urban Estate Rohtak.

Learned counsel for the petitioner contends that the petitioner and the prosecutrix were in a relationship with each other. They both eloped on 30.08.2018 and were subsequently apprehended on 03.09.2018. Thereafter, prosecutrix was pressurised and intimidated to give her statement under Section 164 Cr.P.C., wherein, also she did not level any allegation of rape against the petitioner. Further, contends that the Medico Legal Report (Annexure P-3) does not reflect any external injuries having been suffered by the prosecutrix, which in turn lends credence to the false implication of the petitioner in the FIR in question.

Learned State counsel on instructions from ASI Sarita has apprised this Court that as many as 16 (including the prosecutrix) out of the 26 prosecution witnesses cited so far have been examined till date and the next date fixed before the trial Court for the examination of the remaining witnesses is 14.08.2020.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 09.09.2018, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.08.2020
manju

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No