

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

**CRM-M No.13157 of 2020
Date of Decision: 09.07.2020
...Petitioner**

Parmod Rai @ Sanjay

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

Petition under Section 439 of the Criminal Procedure Code, 1973 (for short 'Cr.P.C.') for grant of bail to the petitioner in FIR No.79, dated 03.03.2018, under Sections 376(2), 506, 201 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Dadri City, District Charkhi Dadri.

As per the prosecution case, above FIR was registered against the petitioner with the allegations that at the relevant point of time, he was working as helper in the Dairy of the complainant and he was caught stealing some articles by the brother of the complainant. On 11 March, 2017, he offered cold drink to the complainant mixed with some intoxicating substance and upon consuming the same, she became unconscious. Thereafter, the petitioner committed rape upon the complainant in a room situated in the Dairy.

Contentends that petitioner is in custody since 09.03.2018; there is a delay of one year in lodging the FIR and during investigating, nothing incriminating was recovered from him. Also contends that after framing of charges, the case is pending for prosecution evidence, but due to the prevailing circumstances there is no progress in the trial.

On the other hand, learned State counsel opposed the petition and submitted that petitioner has committed a serious offence, therefore, he is not entitled for concession of bail.

Heard learned Counsel for the parties and perused the paper-book.

Learned State counsel was asked as to whether there is any material with the prosecution which could connect the petitioner with the alleged

offence, but she fairly stated that except oral version of the complainant, there is no material as she was not medico-legally examined by any Doctor.

Petitioner is in custody for the last more than two years and the trial is likely to take sufficient long time due to Covid-19. FIR has been lodged after one year of the occurrence and even the medical examination of the complainant was not got conducted at the relevant point of time or subsequent thereto, therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, present petition stands allowed and petitioner be admitted to regular bail subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned

Petitioner shall fully co-operate with the learned trial Court and will not unnecessarily delay the proceedings in any manner.

The above observations may not be construed as an expression of opinion on the merits of the case.

July 09, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No