

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13770-2020 (O&M)

DATE OF DECISION: JUNE 23, 2020

MAAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. P.S. JAMMU, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-13888-2020

This is an application for placing on record copy of Aadhar Card of the petitioner as Annexure P-4.

For the reasons mentioned in the application, the same is allowed. Document, Annexure P-4 is taken on record.

CRM disposed off.

CRM-M-13770-2020

Petitioner Maan Singh has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.137 dated 28.11.2019 under Sections 328, 376(2)(N), 506 IPC, P.S. Women Sirsa, District Sirsa. The petitioner is in custody since his arrest on 7.1.2020.

The FIR in question was recorded on the basis of statement given by the complainant wherein it was stated that she was married and has two children. In August, 2019 she went to Gurudwara Chilla Sahab, Rana

Chungi, Sirsa. There she discussed her health problem with another devotee who advised her to take treatment from Pathi (Priest) of Chotta Gurudwara of village Aseer. The complainant contacted him and took medicines and he advised her to revisit after one week. In September, 2019, the complainant again went there and stated that there was no improvement and at that stage, the accused gave her medicine and asked her to consume in his presence. The complainant took the medicine and she turned unconscious. It was narrated that Mann Singh (accused) forcibly made physical relations with her and it was also mentioned that the accused prepared her video and threatened her not to disclose this to anyone. On these broad allegations, the above FIR was registered for the offences of rape, criminal intimidation, etc.

Learned counsel for the petitioner contends that the age of the petitioner is approximately 80 years who has been falsely implicated. He has invited the attention of the Court to the statement of the complainant recorded under Section 164 Cr.P.C. to contend that her explanation to the last question does not make out a case of rape against the accused. He submits that the investigation of the case is complete and the trial is likely to consume considerable time and therefore, the petitioner be released on bail.

On the other hand, learned counsel for the State assisted by SI Sunita opposed the aforesaid prayer. However, it is not disputed by him that the alleged offence took place in September, 2019 whereas, the FIR was lodged in November, 2019. He submits that the investigation is complete and charges have been framed on 5.5.2020, however, no witness has been examined so far.

Considering the above background, custody of the petitioner and his advance age, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

June 23, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No