

Sr. No.215

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

CRM-M-13812-2020 (O&M)

Date of Decision: 16.06.2020

Manoj

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ganesh Chand Sharma, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG Haryana.

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 84 dated 09.06.2019, registered under Sections 376, 506, 120-B IPC, Police Station Women, Sector-16, Faridabad.

2. As per allegations in the FIR, the petitioner committed rape of the prosecutrix in a flat and later she was let off and a threat was extended to kill her brother.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. According to him, no semen was detected on the belongings of petitioner and FSL report belied the prosecution story. He submits that statement of prosecutrix has already been recorded by the trial Court and she had given a total contradictory narration of the alleged occurrence. According to him, the petitioner is a young boy of 21 years had known the prosecutrix as friends and they had been regularly meeting each

other. The petitioner is behind bars for about a year despite the fact that it is merely a case of adolescent love gone sour, contents the learned counsel.

4. On the other hand, learned State counsel opposes the bail plea. According to her, the trial is near to conclusion and petitioner is not entitled to any concession.

5. I have heard learned counsel for the petitioner as well as learned State counsel.

6. In view of the fact that prosecution evidence is almost complete and no more custodial interrogation or recording of statement qua the accused is to be carried out, no useful purpose would be served by keeping him in further custody. In view of the current pandemic scenario, trial is also seemingly not going to conclude anytime soon, even though it is only the defence evidence which is to be adduced.

7. Furthermore, this Court has an occasion to read the statement of prosecutrix and without commenting on the merits thereof, it does seem that petitioner and prosecutrix were friends from adolescent age, prosecutrix being 17-18 years and petitioner being 19-20 years at the time of occurrence.

8. In the totality of circumstances, the petitioner who is already in custody since 09.06.2019 is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Faridabad.

9. Petition stands allowed accordingly.

(ARUN MONGA)
JUDGE

16.06.2020
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No