

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14124 of 2020

Date of Decision : 23.06.2020

Joginder Sharma.....Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Ashish Malik, Advocate
for the petitioner.

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MANJARI NEHRU KAUL, J. (Oral)

Due to outbreak of COVID-19 pandemic, the case is taken up
for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case FIR No. 429 dated 07.09.2019 under
Sections 323, 354-A, 376(2)(n), 450, 506, 34 IPC (wherein Section 451 IPC
was deleted and Sections 450, 376(2) (n) IPC were added later) registered at
Police Station Safidon District Jind (Haryana).

The learned counsel for the petitioner *inter alia* contends that
false and unbelievable allegations have been levelled by the prosecutrix
against the petitioner. In fact, the prosecutrix was in a relationship with the
petitioner. The factum of the prosecutrix being a consenting party found
support from the fact that there were as many as 62 phone calls between the
petitioner and her between 10.08.2019 to 05.09.2019. Besides this, an
amount of Rs.40,000/- was transferred by the petitioner in the account of the
prosecutrix just 07 days prior to the date of the alleged incident. Not only
this, there were a number of photographs of both the prosecutrix and the

petitioner of having violated the person of the prosecutrix by threatening her with dire consequences. The learned counsel further contended that the petitioner has been in custody since 07.09.2019 and only report under Section 173 Cr.P.C. has been filed till date. Hence, it is unlikely that the trial would conclude any time in the near future.

Notice of motion.

On the asking of the court, Ms. Dimple Jain, AAG, Haryana, accepts notice on behalf of the State. She, on the other hand, while opposing the submissions made by the learned counsel for the petitioner has not been able to controvert the fact that the petitioner has been in custody for almost 09 months now and only report under Section 173 Cr.P.C. has been filed as on date.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the petitioner has been in custody for almost 09 months, no useful purpose would be served by keeping him behind bars as the trial is unlikely to conclude in the near future. I thus deem it a fit case to grant the concession of regular bail. Without expressing any opinion on the merits of the case, the petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein above shall not be construed as an expression of opinion on the merits of the case.

23.06.2020

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Note: Whether speaking/reasoned
Whether Reportable:

(MANJARI NEHRU KAUL)
JUDGE

Yes / No
Yes / No