

Sr. No.210

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

CRM-M-14114 of 2020 (O&M)

Date of Decision: 19.06.2020

Deepak

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. P.S. Sullar, Advocate
For the petitioner.

Mr. Vikrant Pamboo, DAG,Haryana.

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 22 dated 21.01.2020, registered under Sections 376, 341, 354C, 506, 120-B read with Section 34 IPC, under Sections 4 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 67-B of the Information Technology Act, 2000, Police Station IMT Rohtak.

2. Learned counsel for the petitioner submits that petitioner has not been named in the FIR. According to him, in the FIR the allegations of rape are against one Aashish. He submits that petitioner has been implicated in the FIR on the basis of disclosure statement of Aashish to the effect that petitioner made a video of the prosecutrix. According to him, the prosecutrix had nowhere named the petitioner in the whole incident. He further submits that petitioner is in custody since 25.01.2020 and investigation is over.

3. On the other hand, learned State counsel opposes the bail plea. He, however, admits that petitioner was involved in the case on the basis of disclosure statement made by prime accused Aashish and there are no allegations of rape against the present petitioner. On a query of Court, he submits that investigation is over and challan has been filed.

4. The petitioner is in custody since 25.01.2020. The allegations of rape and criminal intimidation are against co-accused Aashish and his sister-in-law. In the FIR, no overt act has been attributed to the petitioner and his involvement in the offence has surfaced on the basis of disclosure statement of prime accused. The investigation is over and commencement of trial is still awaited. In the current pandemic scenario, the trial of the case is not likely either to start or get over soon.

5. Taking wholesome view of the matter, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Rohtak, as the case may be.

6. Petition stands allowed accordingly.

(ARUN MONGA)
JUDGE

19.06.2020

Jiten

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No