

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

202

**CRM-M-14567-2020
Date of decision : 28.07.2020**

Pardeep @ Bunti

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Ms. Harpreet Kaur, AAG, Haryana
for the respondent No.1-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

CRM-18035-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for impleading the complainant as respondent No.2 in the petition.

Since the complainant had already been ordered to be impleaded as respondent No.2 vide order dated 17.07.2020, present application for impleading the complainant as respondent No.2 does not lie and is disposed of accordingly.

Amended memo of parties filed in compliance of order dated 17.07.2020 is taken on record.

CRM-M-14567-2020

The petitioner has filed present petition under Section 439 of the Cr.P.C. for grant of regular bail to him in case FIR No.104 dated 18.09.2019 registered under Sections 254-D, 376 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Jagadhari, District Yamuna Nagar.

The above-said FIR was registered on statement of the

complainant-respondent No.2 inter alia on the allegations that the petitioner made false promise of marriage to the complainant-respondent No.2 and made physical relationship with her against her will. The petitioner also threatened the complainant-respondent No.2 with dire consequences.

The petitioner, who is in custody since 20.09.2019, has filed the present petition for grant of regular bail.

Mr. Arun Sharma, Advocate has appeared for the complainant and filed his power of attorney through e-mail print out of which is taken on record.

Petition has been opposed by learned State Counsel. However, State has not filed any reply.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The petitioner was having love affair with the complainant-respondent No.2 and relations were made with her consent. The petitioner is still ready to marry with the complainant-respondent No.2 but due to the pressure of her family members, the complainant-respondent No.2 had lodged the FIR. Offences as alleged are not made out against the petitioner. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that in on completion of investigation report under Section 173(2) of the Cr.P.C. has been filed against the petitioner and charges have been framed. Evidence could not be recorded due to restrictions imposed to prevent spread of infection of Covid-19. In view of gravity of offences committed, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for respondent No.2-complainant has submitted that respondent No.2-complainant has no objection to grant of regular bail to the petitioner.

Keeping in view the facts and circumstances of the case, period of custody of the petitioner and the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

28.07.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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