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

CRM-M-14602-2020 (O&M)

Date of Decision: 18.08.2020

Deen Dayal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Aditya Sanghi, Advocate,
for the applicant-petitioner.

Mr. Vishal Malik, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

CRM-12915-2020

The present application is for exemption from filing the Process/Court Fee in support of the main Petition.

For the reasons mentioned in the application, the Applicant/Petitioner is permitted to be exempted from filing the Process/Court Fee at this stage, subject to the condition that the same must be filed latest by 08.09.2020.

Application stands disposed off.

CRM-M-14602-2020

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.341 dated 13.09.2018, under Sections 328, 365, 376-D, 118, 120-B, 202 and 216 of the IPC, registered at Police Station Kanina, District Mahendergarh.

[2]. The allegation against the petitioner is that he had handed over

the keys of his tubewell room to the co-accused persons, who had allegedly committed gang-rape on the victim/complainant. It may be mentioned that name of the petitioner as one of the rapists has actually not been mentioned in the FIR nor there is any material on record to indicate that he was one of the culprits involved in the said gang-rape. On the other hand, the available material against him happens to be his own disclosure statement to the effect that he had handed over keys of his tubewell room to the co-accused persons, as also a similar disclosure by a co-accused.

[3]. It further transpires that trial in the present case has been delayed after an application under Section 311 of the Cr.P.C. had been filed by some other co-accused in the month of January this year, which has still not been disposed off on account of the ongoing Covid-19 Pandemic. Completion of the trial in such circumstances is likely to take its own considerable time, at this stage.

[4]. As such, further detention of this petitioner, who was not named in the FIR, for an indefinite period is not justified.

[5]. For the aforesaid reasons and considering the long detention undergone by the petitioner, he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[6]. Disposed off.

18.08.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No