

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

**CRM-M-14659 OF 2020 (O&M)
DATE OF DECISION : 02.11.2020**

Bharat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rahul Sidher, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CRM NO. 12964 OF 2020

Allowed, as prayed for.

MAIN CASE

The petitioner is seeking regular bail in case FIR No.348 dated 08.09.2019 registered under Section 4 of the Protection of Children from Sexual Offence Act, 2012 (POCSO) and Section 376 IPC (Sections 363/366-A IPC added later on) at Police Station Narnaud, District Hansi.

2. Per FIR allegations, petitioner committed rape upon the prosecutrix who was minor at the time of occurrence.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case. He further submits that it is a case of love affair. The prosecutrix and petitioner were in relationship and they used to meet each other. In support of his contention, he refers to the love letters written by the prosecutrix, which are on record. He also argues that even as per the

medical evidence, no injury was found on the person of prosecutrix. He refers to the reply filed by prosecution and submits that there are total 14 witnesses, out of which 04 witnesses, including the complainant (mother of the prosecutrix) and prosecutrix have been examined. Both of them have not supported the prosecution version and have turned hostile.

4. Learned counsel further argues that petitioner is in custody since 09.09.2019. Investigation in the case is over and challan has been presented. There is no headway in the trial in view of the current pandemic caused due to Covid-19.

5. Learned State counsel, under instructions from Shri Vinod Shanker, DSP, Hansi, states that both complainant (mother of the prosecutrix) and prosecutrix have been examined and they have turned hostile as they have not supported the prosecution version.

6. Heard learned counsel for the petitioner, as well as learned State counsel. It is also uncontroverted that there is no likelihood of concluding with the trial due to current pandemic scenario. The main prosecution witnesses i.e the complainant and the prosecutrix have already been examined. They have not supported the case of prosecution. The petitioner is stated to be in custody since 09.09.2019. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions. The Courts are working in restricted manner and only urgent and bail matters are being taken up. I am of the view that no useful purpose would be served by keeping the petitioner further in preventive custody.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaq Magistrate/ Duty Magistrate.

NOVEMBER 02, 2020
shalini

(ARUN MONGA)
JUDGE

**Whether speaking/reasoned :
Whether reportable :**

**Yes/No
Yes/No**