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

CRM-M-15062-2020
Date of Decision :10.07.2020

Dharambir @ Rakesh ....Petitioner

versus

State of Haryana ….Respondent

**Coram : Hon'ble Mr. Justice B.S. Walia**

Present: Mr. L.S. Sandhu, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

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**B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 439 of Cr.P.C. isfor grant of regular bail to the petitioner during the pendency of trialin case FIR No.157 dated 08.07.2019, registered under Sections 376 (2) (n), 451 and 506 of Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Ellenabad, District Sirsa.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 08.07.2019, challan has been filed and out of seventeen prosecution witnesses only two witnesses have been examined, that the cross-examination of the prosecutrix reveals that it was a case of a relationship gone sour, that the prosecutrix in her cross-examination hadadmitted that she did not make any complaint with regard to her alleged sexual exploitation by the petitioner for two years before any authority or the Sarpanch or any respectable of the village prior to 07.07.2019, allegedly on the ground that she was threatened by the petitioner not to inform any person otherwise he would kill her sons. Learned counsel contends that the next date of hearing before the learned trial Court is 13.07.2020 and conclusion of the trial will take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner in custody

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especially in view of prevailing circumstances on account of Covid-19 pandemic.

4. Learned DAG, Haryana, contends that the petitioner had been sexually exploiting the prosecutrix over a period of two years, therefore, the petitioner is not entitled to bail.

5. I have considered the submission of learned counsel for the parties.

6. Without commenting upon the merits of thecase and taking into account the fact that the petitioner is in custody since the past more than one year and out of seventeen prosecution witnesses only two prosecution witnesses including the prosecutrix have been examined, besides the prosecutrix in her cross-examination has admitted that she did not make any complaint to anybody of her sexual exploitation by the petitioner for two years under fear of harmto her sons although the front gate of her brother's and her house is the same, no useful purpose would be served by keeping the petitioner behind bars especially in view of the prevailing Covid-19 pandemic and as the conclusion of the trial is likely take considerable period of time. Accordingly, the petition for regular bail is allowed. The petitioner is ordered to bereleased on bail subject to his furnishing bail bonds/surety to thesatisfaction of the learned CJM/Trial Court/Duty Magistrate,concerned and provided that he is not required in any other case.

7. However, nothing stated hereinabove would beconstrued as an expression of opinion on the merits of the case.

**(B.S. Walia)**
**Judge**

**10.07.2020**
*'Rajneesh/Amit'*

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

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