

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

**CRM-M-16112-2020 (O&M)
Date of Decision 04.09.2020**

Sunil @ Sunda

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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(through video conferencing)

Present: Mr. Nishant Chauhan, Advocate
for the petitioner.

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MANJARI NEHRU KAUL, J. (Oral):

Prayer in this petition is for grant of regular bail to the petitioner in FIR No. 575, dated 07.09.2019 under section 375 IPC registered at Police Station Samalkha, District Panipat (later on offence under Section 365 IPC was deleted and offence under Section 376/120B IPC was added).

At the outset, learned counsel prays for incorporation of Sections 363, 366 of the Indian Penal Code and Sections 6 & 17 of the Protection of Children from Sexual Offences Act, 2012, (POCSO Act) in the prayer clause of this petition as the same could not be incorporated inadvertently due to typographical error.

On oral request of the learned counsel, his prayer is allowed. Registry is directed to do the necessary correction in the prayer clause of this petition.

Learned counsel contends that the petitioner is neither named in the FIR in question nor any role has been attributed to him of committing rape with the prosecutrix. He contends that the petitioner has been falsely embroiled

in the present case because he happens to be a friend of the main accused Vishal @ Madan qua whom the allegation of rape was made in the FIR in question. He has submitted that even the prosecutrix refused to get herself medico-legally examined and in her statement under Section 164 Cr.P.C. made before the court she did not attribute any allegation of rape qua the petitioner. Learned counsel has also apprised this Court that the accused Vishal @ Madan who has been attributed the main role has since been extended the concession of bail by this court vide order dated 05.08.2020.

Notice of motion.

On the asking of the court, Mr. Apoorv Garg, DAG, Haryana, accepts notice on behalf of the State. The learned counsel, on instructions from ASI Sukan Pal, while opposing the prayer and submissions of the learned counsel for the petitioner has submitted that though charges were framed on 05.03.2020 but none of the prosecution witnesses have been examined on account of the prevailing situation due to COVID-19.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail. The petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

04.09.2020

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**(MANJARI NEHRU KAUL)
JUDGE**

*Note: Whether speaking/reasoned: Yes / No
Whether Reportable: Yes / No*