

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
206 (PROCEEDINGS THROUGH V.C.)**

CRM-M-16194-2020

Date of decision: 23.09.2020

PURAN SINGH

...PETITIONER

V/S
STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sudhir Rana, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Short reply on behalf of the respondent in compliance with the orders passed by this Court dated 21.07.2020 and 17.09.2020 has been received through email along with Annexures which are taken on record. It has been stated that the call details have been supplied to the petitioner which fact is not disputed by the counsel for the petitioner.

Referring to the call details, counsel for the petitioner states that these call details clearly indicate that the petitioner and the prosecutrix were on talking terms and there have been phone calls exchanged between them and even a day prior and on the day of alleged incident, there has been a communication between the petitioner and the prosecutrix. This, he asserts, on the basis of the call details as have been supplied in response to the application which has been submitted by the petitioner through the Jail Superintendent. His contention is that the petitioner as well as the prosecutrix are both married and were residing in the neighborhood. The relationship being consensual, the question of the petitioner having been

made physical relations forcibly with the prosecutrix is only an allegation against the petitioner. He further contends that the petitioner would not enter the area where the prosecutrix resides till she is examined and her statement is recorded by the trial Court.

Assertion has also been made by the counsel for the petitioner that the petitioner was arrested on 08.10.2019 and since then, he is in custody. Out of the 11 witnesses, which have been cited by the prosecution, none has been examined. The trial is not likely to conclude in near future especially in the light of the prevailing situation and thus, the counsel prays that the petitioner be granted the concession of bail.

Learned counsel for the State, on the other hand, asserts that there are specific allegations against the petitioner. She asserts that the petitioner was fully indulged in commission of the crime and, therefore, he does not deserve the concession of bail. However, the factual assertions with regard to the call details as also the stage of the trial could not be disputed by the counsel for the State.

I have considered the submissions made by the learned counsel for the parties and with their assistance, have gone through the records and the pleadings.

The factum that the petitioner and the prosecutrix are married and are residing in the neighborhood has not been disputed. The call details, as have been supplied and placed on record along with short reply on behalf of the respondent, would indicate that the petitioner and the prosecutrix were known to each other. Petitioner is in custody since almost one year as he was arrested on 08.10.2019 with none of the witnesses examined out of total 11 prosecution witnesses cited. Because of the

prevailing Covid-19 pandemic, the Courts are working in a restricted mode, because of which, the trials are being held up to a great extent, the same, therefore, is not likely to conclude in near future. That apart, learned counsel for the petitioner has stated that in case the petitioner is granted the concession of bail, he would not enter the locality where the prosecutrix resides just to rule out any apprehension with regard to any untoward incident or the petitioner influencing the prosecutrix or other witnesses in any manner.

In the totality of the above circumstances, the present petition is allowed.

Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, District Narnaul subject to the petitioner giving an undertaking that he would not enter the locality where the prosecutrix resides till the said prosecutrix is examined by the Court.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

September 23, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No