

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.210

CRM-M-17139-2020

Date of decision : 29.07.2020

Parhlad

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.118 dated 25.04.2020, registered under Sections 376(2)(N), 452, 506 IPC at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; there is an unexplained delay of over 24 hours in lodging of the FIR; there is no evidence on record showing any physical injury on the prosecutrix; the petitioner is in custody for the last three months; the report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to commence is likely to take a long time to conclude.

It is further submitted that an affidavit of the father of the prosecutrix dated 05.11.2019 (Annexure P-2) reveals that the prosecutrix had given intoxicating tablets to her husband so that he would sleep and she could go out at night.

Learned State counsel opposes the grant of bail on the ground that the petitioner is alleged to have raped the prosecutrix.

The effect of delay in lodging of the FIR; the evidentiary value of the aforesaid affidavit of the prosecutrix's father and alleged lack of evidence showing no injury on the person of the prosecutrix shall be deciphered at the end of the trial. However, the petitioner is in custody for the last three months; the petitioner and the prosecutrix, who are both adults, had sexual relations for about two years; the report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not needed for investigation purposes nor is in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the pandemic-Covid 19.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sirsa, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

July 29, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No