

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

CRM-M-17161-2020

Date of decision : 04.08.2020

Amit

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sube S. Kaushik, Advocate, for the petitioner.

Mr.Amit Aggarwal, DAG, 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.334 dated 31.08.2019, registered under Sections 323, 376 and 120-B IPC at Police Station Narnaund, District Hansi.

The case of the prosecution is that the prosecutrix was married to one Balraj who was addicted to taking liquor; Balraj used to give her beatings; he also used to forcibly make her to drink liquor; on 30.08.2019 at about 1:00 PM Balraj and the petitioner were consuming liquor; the prosecutrix was also forcibly made to drink the same; thereafter, on the asking of Balraj, the petitioner committed rape on the prosecutrix and when she protested she was given beatings.

Seeking regular bail for the petitioner learned counsel submits that the petitioner is a juvenile; he has been falsely implicated in the present case; there is no other criminal case in which he is involved; he is in custody since 04.09.2019; there is no medical evidence to link the petitioner with the

alleged crime; report under Section 173 Cr.P.C. has been filed and therefore, he 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.

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

The petitioner is 17 years old; there is no other criminal case in which he is involved; he is in custody since 04.09.2019; report under Section 173 Cr.P.C. has been filed and therefore, he is not in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude in the near future especially in the present circumstances when the world is facing the COVID-19 pandemic.

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, Hisar 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.

04.08.2020

shamsher

[DEEPAK SIBAL]

JUDGE

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