

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

**CRM-M-18254 of 2020 (O&M)
DATE OF DECISION : 28.07.2020**

Inderjit @ Mastana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Bhisham Kumar, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 193 dated 11.10.2019, registered under Sections 376, 328 and 506 IPC and Section 66-A of Information Technology Act, registered at Police Station Women, Ballabgarh, District Faridabad.

2. As per allegations in the FIR, the prosecutrix came in contact with petitioner through his sister with whom she was having friendship. In the month of September, 2018 when prosecutrix had gone to meet her friend, then the petitioner gave her water laced with some intoxicant and in an unconscious state, she was raped. Her obscene photographs were clicked and the petitioner criminally intimidated her and threatened her to viral the photographs in case she disclose it to anybody.

3. Learned counsel for the petitioner submits that petitioner and prosecutrix are in love with each other. They wanted to marry each other, but this relationship was not acceptable to the parents of the prosecutrix. It is under their pressure that the instant FIR was registered. In support of his arguments, he has

relied upon photographs of prosecutrix and petitioner contained at Annexure P-2, and also certain messages exchanged between them (Annexure P-3). According to him, it was consensual relationship and FIR is an outcome of the pressure of the parents of prosecutrix that too with delay of a month and without specifying the date of occurrence. He further submits that petitioner is in custody since 12.10.2019, investigation is already over, challan has been presented, but there is no headway in the trial due to spread of pandemic. According to him, the trial will take long time to conclude as the Courts are taking up only urgent matters.

4. On the other hand, learned State counsel opposes the bail plea. He, however, admits that after filing of challan, there is not much progress in trial.

5. Having heard learned counsel for the parties, considering the fact that petitioner is in custody since 12.10.2019 and the trial is going on at snail pace due to covid-19 pandemic where the Courts are working with restrictions, I am of the considered view that no useful purpose would be served by keeping the petitioner behind the bars. The contentions of learned counsel about consensual relationship and delay in getting the FIR registered without any specific date etc. are the subject matter of trial, which is not likely to commence or conclude in near future due to pandemic situation.

6. Without expressing any opinion on the merits of the case, petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Faridabad, as the case may be. The petitioner will not visit the vicinity where the victim is residing and he will not try to contact/ influence any witness relating to the case.

JULY 28, 2020
Jiten

(ARUN MONGA)
JUDGE

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