

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

214

**CRM-M-18739-2020
Date of Decision : 05.08.2020**

Rohit Garg

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gurjot Singh Sadhrao, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab
for the respondent-State.

Mr. Sumeet Puri, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (Oral)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.198 dated 10.09.2019 registered under Sections 363 and 366-A of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Sangrur, District Sangrur to which Sections 376(d) and (n), 328, 384 and 109 of the IPC and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 were added lateron.

The above-said FIR was registered on statement of father of the prosecutrix who inter alia alleged that his daughter-the prosecutrix aged about 17 years had run away from home with Aman Arora who had enticed her on the fake assurance of getting married and the petitioner took them from Sangrur to Chandigarh in a white coloured car driven by him. During investigation, statement of the prosecutrix was got recorded

under Section 164 of the Cr.P.C. in which the prosecutrix inter alia alleged commission of rape on her by Aman Arora.

The petitioner has filed the present petition for grant of regular bail which has been opposed by learned State Counsel and learned Counsel for the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. As per the allegations made in the FIR the petitioner had taken Aman Arora and the prosecutrix daughter of the complainant from Sangrur to Chandigarh in white coloured car driven by him. The prosecutrix had implicated co-accused Aman Arora for commission of rape on her. Co-accused Aman Arora has been granted bail by the Coordinate Bench of this Court vide order dated 15.07.2020 passed in CRM-M-16598-2020. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that in view of gravity of offences, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant has submitted that the petitioner and his co-accused had used three mobile phone numbers to send threatening messages to the prosecutrix and her family members. The petitioner will criminally intimidate the prosecutrix and her family

members if he is released on bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, parity with co-accused Aman Arora who has been granted bail by the Coordinate Bench of this Court vide order dated 15.07.2020 and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.08.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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