

CRM-M-19727-2020

Date of decision: 20.08.2020

Balinder

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Jasbir Mor, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The allegations against the petitioner/accused-Balinder, in this first regular bail application in a case bearing FIR No.126 dated 26.08.2019 under Sections 323, 376, 452, 506, 511 and 201 of the Indian Penal Code registered at Police Station Garhi, District, Jind, Haryana, are levelled by a married lady, aged around 35 years. In her allegations, the prosecutrix claimed that she was in a relationship with the accused for almost two years and, thereafter, the accused started harassing her and as a consequence of which, a dispute had arisen between the two families, leading to the registration of the

present case, wherein, claim has been raised that the accused had prepared her obscene photographs and videos.

Learned counsel for the petitioner *inter alia* contends that both the petitioner and the prosecutrix are grown up, mature and married persons and were in a relationship, admittedly, for a period of more than two years and thus, has tried to refuse the allegations of rape.

The learned State counsel though does not displace the facts but has opposed the grant of bail on the grounds of seriousness of the allegations. The State counsel has fairly conceded that there is no medical evidence regarding allegations of rape nor any photographs/videos have been recovered.

Appreciating the submissions and keeping in view that both, the petitioner and the victim, are grown up, mature and married persons, admittedly in a relationship over a long period of time, thus, in view of the same, in the absence of any medical evidence, question of rape would be decided at the time of trial. More so, the petitioner is behind the bars since long time.

In light of the same and the fact that the investigation and trial is not likely to be concluded in the near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial

Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

20.08.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No