

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

CRM-M-19814-2020

Date of Decision : 14.09.2020

Rafiq

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Nishant Raj, Advocate
for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in FIR No.10 dated 22.01.2020 under Sections 376-D/376(2)(n)/323/506/354 (C)/34/201 IPC, registered at Police Station Woman Panipat, District Panipat.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Astra. Complainant asserted that her father was doing work in Mittal Factory since the past many years and she was also residing there. The present petitioner used to work in the factory and had confided in her that he wants to enter into matrimony. Allegations are that on the pretext of marriage the petitioner trapped her and raped her with the help of one of his friend namely Kundus. Such sexual assault is alleged to

have been repeated on a number of occasions thereafter. Complainant alleges that the petitioner thereafter has refused to marry her and ultimately on 19.01.2020 petitioner again called her in the godown of the factory and raped her in the presence of two friends namely Kundus and Gullu. Further allegation is that co-accused Kundus prepared a video of the occurrence.

The petitioner was arrested on 25.01.2020.

Investigation in the case is complete and the challan already stands presented.

Prosecution version already stands denied inasmuch as the co-accused Kundus and Gullu have been found to be innocent.

Counsel for the petitioner contends it to be a case of false implication.

Prosecution is relying upon a disclosure statement suffered by the petitioner as regards his phone containing a video footage having been done away with travelling in a train.

The evidentiary value of such a disclosure statement made by accused would be an issue to be dealt with by the trial court. Trial is at an initial stage and would take time to conclude, particularly keeping in view the current COVID-19 situation.

Without making any observation on merits, the petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail on his furnishing bail bond/surety bond to the satisfaction of the trial court/Duty Magistrate, Panipat.

Disposed of.

14.09.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No