

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20154-2020 (O&M)

Date of Decision: August 13, 2020

Abdul Satar @ Bilal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mazlish Khan, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.81 dated 28.04.2020, under Sections 376, 354A, 323, 506 and 511 IPC, registered at Police Station, Sanoli, District Panipat. The petitioner is in custody since his arrest on 27.05.2020.

The above FIR was lodged at the instance of Ayesha, wherein it was alleged that in the evening of 21.04.2020, her nephew Salman left her at Rana Majra Yamuna Ghat as she wanted to go to her village Khurgana, and her husband Kasim was standing at Basera Ghat on the other side of Yamuna Ghat. Then, Mubarak son of Khurshid met her and she sought help from him by asking him to stay with her as it was getting dark and her husband was about to arrive. Mubarak borrowed mobile phone from some passerby and spoke with her husband Kasim on his mobile No.9837828330 and informed that they were standing on this side, but due to darkness, her

husband could not find them. Mubarak took her here and there and called his two accomplices, who came on motor cycle and they all took her to a room built in the fields. There Mubarak forcibly committed rape with her and after him, Bilal and Ansar also raped her. Then all of them took her to bandha of village Rana Majra, where Farooq kissed her and touched her body parts inappropriately. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per the complaint, four accused persons were named in the FIR and the name of the petitioner does not figure in it. According to him, even in the statement recorded under Section 164 Cr.P.C., the complainant has not attributed any role to the petitioner. Learned counsel has submitted that the investigation of the case is complete and considering the nature of the offence, i.e., attempt, his further custody may not be necessary. He has prayed for grant of regular bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Kulbir Singh, does not dispute this fact that the investigation of the case is complete and the final report stands filed on 08.07.2020. According to him, the victim has not attributed any role to the petitioner in the occurrence, but co-accused Bilal named him in the disclosure statement.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 27.05.2020, is

presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Panipat.

The petition is allowed.

August 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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