

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

213

**CRM-M-20145-2020
Date of decision: 02.09.2020**

Satyawan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Singla, Advocate and
Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

Mr. Surinder Kumar, Advocate
for the prosecutrix.

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 short, "the Cr.P.C.") for grant of regular bail in case FIR No.19 dated 14.01.2020 registered under Sections 376(2) N and 452 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Sadar Narwana, District Jind.

The above said FIR was lodged on statement of prosecutrix, who is a married lady, to the effect that about 20-25 days ago, Satyawan (the petitioner) entered her house on finding her alone and committed rape upon her and started blackmailing her and whenever her husband went outside from the house, the petitioner used to rape her. He used to telephone her and force her to make illicit

relations with him. They also moved application against the petitioner before the police and a compromise was got effected but the petitioner did not mend his ways. The petitioner was harassing her since last five months.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of reply filed by way of affidavit of Tahir Hussain, Deputy Superintendent of Police, Narwana in the registry which is taken on record.

Mr. Surinder Kumar, Advocate has put in appearance on behalf of the prosecutrix and undertakes to file his power of attorney in the registry.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the prosecutrix and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. There was undue and unreasonable delay of 20-25 days in lodging of the FIR. The offences in question are not made out. The prosecutrix lodged the FIR against the petitioner due to hot exchanges with wife of the petitioner and subsequently the petitioner has compromised and sworn in her affidavit that the case was registered due to misunderstanding and that no rape was committed by the petitioner on her. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular

bail.

On the other hand, learned State counsel has submitted that the petitioner is accused of having committed rape on the prosecutrix. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned counsel for the prosecutrix has not disputed the correctness of the affidavit submitted by the prosecutrix.

In view of the facts and circumstances of the case, nature of accusation, affidavit of the prosecutrix and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

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

02.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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