

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-20134-2020

Date of decision: 10.08.2020

Rakesh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Bhagwat Dayal Sharma, Advocate
for the petitioner.

Mr. Rajeev Goyal, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Rakesh, stated to be aged 30 years, has filed the present petition under Section 439 Cr.P.C., *inter alia* with a prayer for grant of regular bail in case FIR No.121 dated 23.10.2019, registered under Sections 313, 328, 376(2)(n) IPC, Section 6 of POCSO Act and Section 3(2)(v) of SC/ST Act, at Women Police Station Jind, District Jind.

Learned counsel for the petitioner, at the outset, submits that the petitioner is a fatherless boy and his mother is at present COVID positive patient, who is hospitalized. He further submits that the petitioner is required to be with his mother for her better care. On merits, learned counsel submits that vide order dated 09.07.2020, passed in CRM-M-

15105-2020, co-accused/Naresh has been granted bail by this Court. In the order dated 09.07.2020, it has been observed as under:-

“Learned counsel for the petitioner, based on the pleadings, submits that the petitioner has not been named in the FIR. The prosecution story regarding the alleged role of the petitioner, is also concocted and false. In Para 3 of the petition, certain submissions have been made, to submit that the prosecutrix with her mother, had gone for ultrasound. Similar submissions have been made in Para 4 of the petition. Learned counsel then submits that an another FIR No.431 dated 05.11.2019 was registered against the petitioner, in which he was also involved (which fact becomes clear from Para 2 of the order passed by the Court of Shri Baljeet Singh, Sessions Judge, Jind, on 21.05.2020, granting bail in that FIR to the present petitioner).

Learned counsel, on asking of the Court, submits that the challan has been presented on 22.04.2020. During investigation, it has come on record that allegedly on 11.10.2019, the prosecutrix had taken pills for abortion, however, when in spite of the said pills, abortion was not successful. Then, she was taken to one lady named Kamlesh, but inspite of efforts through the said lady also, did not succeed for abortion. After that, the prosecutrix allegedly was taken to the present petitioner, who allegedly helped in the abortion.

Faced with the situation, learned counsel for the petitioner submits that the petitioner surrendered on 28.02.2020. Charges are yet to be framed. There are approximately 29 witnesses and none has been examined till date. He then submits that it is evident from the sequence of events, even as alleged in the FIR and subsequently that prosecutrix had with consent proceeded for abortion. He further submits that due to the present COVID situation, the trial is likely to take some time and detention of the petitioner in jail would be dangerous to his life, the petitioner may be granted concession of regular bail.”

Faced with the situation, learned counsel for the petitioner submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

10.08.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No