

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

**CRM-M No.20138 of 2020 (O&M)
Date of Decision.02.09.2020
(Heard through VC)**

Jagdish

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.386 dated 28.11.2019 registered under Section 346 IPC at Police Station Nangal Choudhary, District Mohindergarh to the petitioner, who is in custody since 16.03.2020.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the aforesaid matter, while further submitting that there are major discrepancies in the FIR and the statement recorded under Section 164 Cr.P.C. It is also argued that the prosecutrix had submitted before the Medical Officer that she had been raped by one Tinku till the time she had run away and in her statement recorded under Section 164 Cr.P.C., the main allegation is against one Naresh, who is stated to have raped her on 19.11.2019. It is further argued that there was no DNA matching done as the victim had intercourse with her husband on the day she presented herself for medical. The challan has already been presented and therefore, the petitioner is entitled for concession of bail.

Learned counsel appearing for the respondent-State while opposing the grant of bail would submit that it has come forth in the FIR that the present petitioner is known to the family members of the victim and therefore, could not be allowed regular bail.

I have heard learned counsel for the parties and have perused the medical history as well as statement of the victim recorded under Section 164 Cr.P.C wherein allegations are against one Naresh whereas in the medical, she has alleged rape by one Tinku. There are no allegations against the present petitioner. Since the petitioner is in custody since 16.03.2020 and keeping in view the fact that the challan has been presented coupled with the fact that the trial is likely to take some time to conclude as due to COVID-19 situation, Courts are not working at their full strength and not taking up ordinary hearing matters, this Court deems it appropriate to grant regular bail to the petitioner as no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. Further the petitioner will not make any attempt to contact the prosecutrix/complainant or her family members. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

September 02, 2020
Pankaj*

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