

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

CRM-M-20692-2020 (O&M)

Date of Decision:11.08.2020

Raj Kumar @ Raju

... Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Manish Mehta, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

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

Petitioner seeks benefit of regular bail pending trial in case FIR No.159, dated 19.12.2019, under Sections 323/354-B/376/450/506 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Women Narnaul, District Mahendergarh.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Manju Devi/ victim. Allegations are that on 18.11.2019 when she was alone at home, the accused/petitioner herein entered the house on the pretext of demanding battery and then on knife point raped her. At about 7:30 P.M. when the family members of the complainant returned back, the accused hid himself in the bathroom and threatened her not to disclose the incident to anybody or else her family members would be eliminated.

Petitioner was arrested on 01.05.2020.

During the course of arguments, it has gone uncontroverted that in the medical examination conducted, no external injuries have been noticed on the person of the victim and which would be indicative of any struggle or resistance having been offered at the time of the alleged occurrence.

No plausible justification is also forthcoming as regards the delay of registration of the FIR on 19.12.2019 as opposed to the alleged occurrence more than a month prior thereto i.e. on 18.11.2019.

The submission advanced by counsel representing the petitioner that the version of the complainant is improbable cannot be said to be without merit.

Learned State counsel informs the Court that investigation in the case is complete and the challan already stands presented.

Trial as such is at the initial stage and would take time to conclude particularly keeping in view the current Covid-19 situation.

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

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

11.08.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No