

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

CRM-M-20592-2020 (O&M)

Date of Decision:11.08.2020

Manish @ Maggi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Namit Khurana, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

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

Petitioner seeks benefit of regular bail in FIR No.31 dated 26.01.2019 under Sections 452 and 376 IPC registered at police station Chhappar, District Yamuna Nagar.

Counsel for the parties have been heard.

As per prosecution version, the petitioner herein/accused trespassed in the house of the victim on 25.01.2019 and committed rape upon her. The matter having been disclosed to husband of the victim, the FIR was lodged on the following date i.e. 26.01.2019.

Petitioner was arrested on 27.01.2019.

Investigation having been completed, challan was presented and even charges were framed.

During the course of arguments, it has gone uncontroverted that

the entire prosecution evidence has been led.

Counsel has even adverted to the statements recorded of the victim as also her husband.

Prima facie the version being put forth on behalf of the prosecutrix, is not clear.

In her cross-examination, the victim has stated that false allegation of rape had been levelled on account of her previous enmity.

In the same breath, allegations of rape and of a bad act having been committed, have been stated.

The matter is now fixed for defence evidence.

In view of the current Covid-19 Pandemic, trial is not proceeding further.

Petitioner has already faced incarceration for a period in excess of 19 months.

It is not a case where the benefit of bail, if granted, to the petitioner, he would be in a position to hamper the course of a free and fair trial since entire prosecution evidence has already been led.

In an overview of the matter, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Yamuna Nagar.

It is, however, clarified that the observations made by this Court are confined only as regards considering the prayer of the petitioner for grant of regular bail and would have no bearing on merits of the trial.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.08.2020

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