

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-20864-2020
Decided on : 29.09.2020

Sumit	Versus	 Petitioner
State of Haryana		 Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. M.K.Pundir, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.137 dated 11.09.2019 under Sections 376, 506 of IPC (later on 376 (2)(N) of IPC was added) registered at Police Station Jagadhri Sadar District Yamuna Nagar.

Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the FIR in question is evident from the fact that preceding the registration of the FIR, the prosecutrix had been filing various complaints against the petitioner, which on investigation were found to be without any substance by the investigating agency. He further submits that the application under Section 156 Cr.PC was also moved against the petitioner, which was subsequently dismissed by the Court below for non-prosecution. He further contends that the allegations levelled in the FIR in question are at variance with the statement recorded under Section 164 Cr.PC by the prosecutrix. Not only this, learned counsel contends that it is a matter of record that the petitioner is in the habit of giving false complaints

against various persons on the same set of allegations. A prayer has been made for regular bail to the petitioner, who has been in custody since 24.02.2020.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has conceded that the various complaints, which were given by the prosecutrix prior to the filing of the present complaint, were found to be false. He has further apprised this Court that in one of the complaints so moved against the petitioner, the complainant had filed an affidavit stating that the matter had been amicably settled between them and differences between them ironed out.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 24.02.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

29.09.2020

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No