

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

CRM-M-21429-2020(O&M)

Date of decision: 16.09.2020

Naveen

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 205 dated 31.08.2019 registered under Sections 376(2)(N), 506 and 384 IPC at Police Station Line Par, Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner states that the prosecutrix is none else but the real aunt of the petitioner and has two children. He further submits that in the FIR itself, the complainant has stated that the petitioner had been committing the act of rape upon her for many years and this fact was also brought to the notice of the parents of the petitioner but she had not disclosed the same to her husband, who is in Government job, under fear that if she disclosed this to her husband, he might kill the petitioner. It is further submitted that the petitioner has been in custody since 05.12.2019.

Copy of reply by way of affidavit dated 07.09.2020 of Deputy Superintendent of Police, Line Par, Bahadurgarh, District Jhajjar, submitted in the Registry is taken on record. Learned State counsel has not disputed the fact regarding the custody period of the petitioner.

Learned State counsel while opposing the bail application, has vehemently contended that non disclosure of the factum of the petitioner's having committed repeated rape upon the prosecutrix to her husband has duly been explained by her. It was only on 26.08.2019, when the prosecutrix was coming back from the house of the petitioner that she found her husband present at home then she disclosed this fact to her husband and thereafter, the present FIR was registered. He further states that the charges have been framed, but the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.12.2019. The prosecution witnesses are yet to be examined. The trial will take time to conclude and no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

16.09.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No