

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21508-2020 (O&M)

DATE OF DECISION: AUGUST 24, 2020

RAKESH KUMAR @ RINKU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. NAMIT KHURANA, ADVOCATE FOR THE PETITIONER.
MR. SANJEEV KUMAR KANWAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-20616-2020

The application is allowed and the complaint (Annexure P-4) is taken on record.

CRM-M-21508-2020

Petitioner Rakesh Kumar @ Rinku has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.44 dated 5.6.2020, under Section 376, 506 IPC, Police Station Women Yamuna Nagar, District Yamuna Nagar. The petitioner is in custody since his arrest on 9.6.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Yamuna Nagar in the order dated 23.7.2020, are as under:-

“The brief facts as enumerated in the FIR are that statement of the prosecutrix 'S' was recorded, wherein she alleged that accused Rakesh Kumar @ Rinku is brother-in-law of her brother. He came to her house in the year 2014 and stated that

he love her and want to marry her and he developed physical relations with her on the false assurance of marriage. When she told her family members about the accused, they became ready to solemnize their marriage. When her parents approached the accused for marriage, he postponed the matter on one pretext or the other and lastly, refused to marry her. Due to this her father come in shock and died of heart attack. Thereafter, again, accused gave false assurance of marriage and developed physical relations with her. In the year 2018, a Panchayat was convened to resolve the matter. In that Panchayat, accused refused to marry her and threatened her.”

Learned counsel for the petitioner contends that the FIR has been lodged to falsely implicate the petitioner as the matrimonial dispute between his real sister and the brother of the complainant is pending before the Court and has referred to the complaint (Annexure P-4). It is pointed out that the marriage of the sister of the petitioner, namely, Kusum was performed with Mange Ram (brother of the complainant) in the year 2010 and the accused and the complainant were already known to each other. According to him, the complainant has herself mentioned in the FIR that the alleged relations between the two started in the year 2014, but the present FIR has been lodged on 5.6.2020, i.e. after her sister was thrown out of the matrimonial house. He contends that the investigation of the case is complete and therefore, further custody of the petitioner may not be necessary, and prays for grant of regular bail to the petitioner during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Poonam has opposed the prayer on the ground that the prosecutrix has

levelled specific allegations against the petitioner and considering the nature of the offence, the petitioner does not deserve the concession of regular bail. However, it is not disputed by him that the parties are related as mentioned by learned counsel for the petitioner. It is stated by him on instructions that the final report stands filed on 15.7.2020 before the Court of competent jurisdiction.

Considering the above background, this Court does find any reason to decline the prayer for grant of regular bail to the petitioner, particularly when the trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, and therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

August 24, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No