

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

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CRM-M-21953-2020

Date of decision : 14.08.2020

Sunny

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sandeep Kotla, Advocate, for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.594 dated 25.09.2018 under Sections 376(2)(n), 354-D, 506 of the Indian Penal Code, 1860 (for short, 'IPC') registered at Police Station Quilla, District Panipat (Haryana).

The allegations in the FIR, briefly, stated are that the petitioner is alleged to have taken the prosecutrix by luring her three months back. It is further alleged that in the said regard previously a FIR No.359 dated 22.06.2018 was registered under Section 346 IPC at Police Station Quilla, Panipat. However, since the petitioner pressurized the prosecutrix and threatened her that he would kill her brother and sister, due to the threat the prosecutrix gave a statement in the said FIR in favour of the petitioner. It has further been alleged that a month back she came back to her parents house and narrated the entire story to her parents. It has also been alleged that the petitioner had lured the prosecutrix with the intention of marrying her and had taken her to his room in Sector 18, Panipat where he committed wrong act upon her.

Learned counsel for the petitioner would contend that earlier similar allegations were made in FIR No.359 dated 22.06.2018 and in the said FIR the prosecutrix had given a statement in favour of the petitioner and on the said basis a cancellation report was filed and the FIR stood eventually

cancelled. Learned counsel for the petitioner would further contend that the petitioner has been in custody for 01 year and 09 months.

Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh Chhina, AAG, Haryana has put in appearance through video conferencing and accepts notice. On instructions from, SI Jaivir Singh, he has brought to the notice of this Court that all the witnesses in the present case have been examined.

I have heard learned counsel for the parties.

In view of the discussion above, without expressing any opinion on the merits of the case and in view of the fact that the trial is not likely to be concluded due to the peculiar circumstances created by the present Covid-19 pandemic, the petitioner, who has been in custody for the last 01 year and 09 months, is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, it is made clear that nothing observed herein shall be construed as an expression on the merits of the case. It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of bail.

The present petition stands disposed off.

August 14, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasonable: Yes/No.

Whether reportable : Yes/No.