

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

213

CRM-M No.22118 of 2020

Date of Decision: August 14th, 2020

Mahender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Narendra Kumar Vashist, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.0016 dated 03.03.2020 registered under Sections 376-D, 506, 342 IPC at Police Station Women, Hisar, Haryana.

Counsel for the petitioner contends that the allegations against the petitioner, which have been levelled in the FIR, do not appear to be correct. He asserts that there was a money dispute between the petitioner and the prosecutrix and to settle the said matter, these false allegations have been made against the petitioner as well as the co-accused. Referring to the statement of Bindu Kumar, Supervisor, M/s D.N. Choudhary Firm, Cantt., Hisar, who is manning gate No.3 of the cantt. area Hisar, he asserts that had there been such an offence having been committed by the petitioner and co-accused-Manoj, she could have easily pointed out the said fact to the person at the gate. Rather at the time when she had exited gate No.3, she was sitting on the cycle with Manoj. It at best could be said to be an act of consented relationship. Petitioner was arrested on 04.03.2020 and is in custody since then. Challan having been presented, no useful purpose would

be served by keeping the petitioner in further custody, with trial not proceeding because of the prevailing situation.

Counsel for the State, on the other hand, contends that there are serious allegations against the petitioner as he not only taken the prosecutrix with him on the pretext of providing her work at the site and there not only did he himself commit rape on her but Manoj (co-accused) also committed the said offence. Petitioner, therefore, may not be granted the concession of bail.

I have considered the submissions made by the counsel for the parties and on consideration thereof as also the records made available, the trial is not likely to proceed in near future, with the prosecutrix being 42 years of age and delay of nine days in registration of FIR, continuation of the petitioner in custody would not be called for. Reference has also been made to the medical report to assert that there was no offence having been committed but that is a question of evidence to be gone into by the Court below. The present petition is allowed.

Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

Any observations made hereinabove are for the purpose of disposal of the present petitions alone and shall have no bearing on the merit of the case during the trial in any manner.

August 14th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No