

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

**Sr. No.208**

**CRM-M-23246-2020**

**Date of decision: 18.09.2020**

Dalip @ Dilip Kumar

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Kedar Yadav, Advocate  
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

\* \* \*

**DEEPAK SIBAL, J. (Oral)**

Case taken up through video conferencing.

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks the grant of regular bail in FIR No.483 dated 29.09.2019 registered under Sections 323, 376 and 452 IPC at Police Station Sector-14, Gurugram, District Gurugram.

Learned counsel *inter alia* contends that the petitioner, who is a young man aged 26 years has been falsely implicated in the present case; he has been in custody since 30.09.2019; there is no other criminal case in which he is involved; whatsapp chats and photographs of the petitioner and the complainant show consensual relationship between them and that since seven prosecution witnesses still remain to be examined in the trial, the same is not likely to conclude in the near future.

Learned State counsel opposes the grant of bail on the ground that the petitioner is alleged to have committed rape on the complainant.

The petitioner, who is a young man aged 26 years, has been in custody for nearly one year; the whatsapp chats and photographs of the petitioner with the complainant showing a consensual relationship between them make the case of the prosecution debatable but their evidentiary value would be considered during the course of the trial which is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic due to which for the last about six months the trial is only being simply adjourned.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurugram, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

**(DEEPAK SIBAL)**  
**JUDGE**

**September 18, 2020**  
*Jyoti 1*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |