

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-22636 of 2020
Date of Decision: December 04, 2020

Karambir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajender Singh Malik, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

Mr. Vikas Gulia, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.14 dated 29.01.2020, under Sections 376, 406 and 420 IPC, 1860, registered at Police Station, Women, District Sonapat. The petitioner is in custody since his arrest on 13.03.2020.

The above FIR was registered on the statement of complainant-Sushila, wherein it was alleged that she was working in the LNJP Hospital on daily wage basis. Her husband died in the year 2010. Karambir, son of her husband's Aunt (bua), started coming at her home and made physical relations with her by making lure and due to loneliness. He grabbed amount of Rs.7-8 lacs from her on the pretext of land from the year 2012 to 2015

and took her signatures on the forged papers. When she asked him about the papers of land, he stated that the papers were not complete. He also took four bangles and one ring. When she came to know about the fraud, she asked him to return back her money and ornaments, but he threatened her. Being mother of two sons and insult in society, she tolerated the exploitation. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the petitioner is the cousin of the late husband of the complainant and as per the allegations in the FIR, he made physical relations with the complainant. It is pointed out that the FIR does not disclose any use of force and as per allegations, the relation between the complainant and the petitioner was for quite sometime, and apparently with the consent of the complainant. He submits that apart from this, the allegations regarding cheating have also been made as the petitioner allegedly took away certain cash and gold from the complainant on false pretext, however, no particulars of the same have been given in FIR. He has submitted that the investigation of the case is complete and the trial would take considerable time to conclude. He prays for grant of bail, during the pendency of the trial.

On the other hand, the prayer is opposed by the learned State counsel assisted by ESI Sudesh on the ground that the offence is serious. However, it is not disputed by him that the investigation of the case is complete as the final report has been filed on 08.05.2020.

Considering the above background, custody of the petitioner and the fact that the trial would take considerable time to conclude as there is outbreak of global pandemic COVID-19 in the region, this Court does not find any reason to decline the prayer. The petitioner is presently confined in

judicial custody since 13.03.2020 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sonapat.

December 04, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No