

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

(Heard through VC)

CRM-M-23055 of 2020 (O&M)
Date of Decision: August 21, 2020

Chenu @ Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harish Bhardwaj, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

Mr. Rajesh Nain, Advocate for complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.85 dated 19.11.2019, under Sections 342, 365, 384, 354, 376, 511 of Indian Penal Code and Section 67-A of I.T. Act, registered at Women Police Station Asandh, District Karnal.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 05.12.2019. It is submitted that the petitioner has been falsely implicated in the present case.

It is also argued that the matter stands compromised between the parties and

in this regard, learned counsel for the petitioner relies upon affidavit of the prosecutrix (Annexure P-3). It is also contended that investigation is complete, as the challan has already been presented and due to non-functioning of the courts at their full strength due to Covid-19 pandemic, it will take sufficient time to frame the charges and conclude the trial, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigation Officer opposes the grant of regular bail to the petitioner. However, she does not dispute the fact that investigation is complete, as the challan has already been presented.

I have heard learned counsel for the parties.

The affidavit of the prosecutrix (Annexure P-3), as relied upon by learned counsel for the petitioner that the matter has been compromised between the parties, the veracity of the same is doubted and the same cannot be relied upon. Be that as it may, in view of the facts that the petitioner herein has been in custody since 05.12.2019, that investigation is complete, as the challan has already been presented and that due to Covid-19 pandemic, the courts are not functioning at their full strength, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the

same shall have no affect on the merits of the case.

August 21, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No