

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

Sr. No.206

CRM-M-22854-2020

Date of decision: 12.11.2020

Mohd. Rizwan

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.79 dated 12.02.2020 registered under
Section 6 of POSCO Act, 2012 and Section 363 IPC at Police Station Palam
Vihar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in the present case; the prosecutrix as well as
the complainant who is prosecutrix's father while appearing before the Trial
Court submitted their respective affidavits exonerating the petitioner of the
alleged crime; there is no other criminal case in which the petitioner is
involved; the petitioner has been in custody since 05.03.2020; the report
under Section 173 Cr.P.C. has already been filed and therefore, the
petitioner is not in a position to influence the investigation and that the
petitioner's trial is not likely to conclude in the near future especially in the

present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the granted of bail to the petitioner on the ground that the petitioner has raped a 17 year old girl.

The petitioner has been in custody since 05.03.2020; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; the prosecutrix had appeared before the Trial Court and filed an affidavit exonerating the petitioner of the alleged crime; the complainant has also filed an affidavit resiling from his statement made by him accusing the petitioner of the alleged crime; there is no other criminal case in which the petitioner is involved and the petitioner's trial is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, 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

November 12, 2020

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No