

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

CRM-M-24138 of 2020 (O&M)
Decided on:- September 10, 2020.

Parveen.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Karan Chaudhary, Advocate for
Mr. Deepak Grover, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-22628-2020

Exemption application is allowed as prayed for.

CRM-22629-2020

The copies of the statements of the prosecutrix and her father recorded before the trial Court on 22.08.2019 as Annexures A-1 and A-2 are taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-24138-2020

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.3 dated 17.02.2019 under Sections 342, 376 and 506 IPC registered at Police Station Women, Sector 16-A, Faridabad, District Faridabad.

The earlier petition i.e. **CRM-M-43005 of 2019** titled as **Parveen Versus State of Haryana** filed by petitioner for the same relief was dismissed as withdrawn vide order dated December 05, 2019 passed by this Court.

Learned counsel for the petitioner has argued that the petitioner is in custody since 19.02.2019 and the prosecutrix and her father have already been examined in the case. The trial is not proceeding further because of COVID-19 pandemic. The last incident of alleged commission of rape had occurred on 10.12.2017, whereas the present FIR was registered on 17.02.2019 i.e. after more than 1 year and 3 months. There is no medical evidence in support of the case of the prosecution.

Learned State counsel has not disputed the custody of the petitioner. However, she has submitted that the petitioner is none else but the uncle of the prosecutrix and the matter could not be reported earlier as she (prosecutrix) was under constant threat of the petitioner. However, she is fair enough to admit that in view of COVID-19 pandemic, trial in the case is not proceeding further.

I have heard learned counsel for the parties.

The petitioner is in custody since 19.02.2019. The prosecutrix and her father have already been examined in the case and, therefore, these witnesses are not likely to be influenced by the petitioner. The trial in the case is not likely to be concluded in near future. Therefore, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 10, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No