

CRM-M-24588-2020Z

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-24588-2020

Date of Decision: September 1st, 2020

Padam @ Billu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. Ram Pal Verma, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.727, dated 21.12.2019, registered at Police Station Quilla, District Panipat, under Sections 365, 376 and 506 of the Indian Penal Code.

Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He states that rather it is the case of clear consent on the part of the prosecutrix, who had, at her own will and consent, gone to various places with the petitioner. This is apparent even from the perusal of the FIR and statement of the prosecutrix under Section 164 of the Code of Criminal Procedure. Assertion has also been made that the medico legal report also does not support the allegations against the

petitioner. He states that the petitioner is in custody since 14.03.2020 and the trial is not likely to conclude in near future as none of the prosecution witnesses has been examined till date. He, thus, prays for grant of concession of regular bail to the petitioner.

Counsel for the State, on the other hand, asserts that there are specific allegations against the petitioner that he had forcibly taken the prosecutrix. She asserts that the allegations having been made specifically against the petitioner for having raped the prosecutrix, the concession of bail be not granted to the petitioner. She, however, could not dispute the fact that out of the sixteen prosecution witnesses cited, none has been examined till date.

I have considered the submissions made by the learned counsel for the parties and keeping in view the facts that the petitioner is 45 years of age and the prosecutrix is 40 years of age, who is married and have two daughters, with the trial not proceeding in the matter and the allegations in the FIR as well as in statement under Section 164 of the Code of Criminal Procedure indicate that both petitioner and prosecutrix are mature persons, the travel of the petitioner to various places with the prosecutrix casts some light with regard to the relationship between them as also the fact that the trial is not likely to conclude in near future as out of the cited 16 prosecution witnesses, none has been examined till date especially in the prevailing circumstances, with the petitioner being in custody for almost six months, the prayer made by the petitioner is accepted and this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on

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bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

September 1st, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No