

CRM-M-25519-2020

Date of decision: 05.10.2020

Vikram

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. S.K. Verma, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner/accused-Vikram has come up in this first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.0335 dated 25.12.2016 under Sections 34, 376, 452, 506 and 511 of the Indian Penal Code registered at Police Station Uchana, District Jind.

The prosecutrix, a married lady with kids was sleeping with her family as her husband has gone out, when during the night

of 22.12.2016 at around 11:30 PM, she heard knock at the door of her house and when she opened the same thinking that her husband has arrived, accused/non-applicant-Harpal @ Pala @ Srawan barged into her room and tried to forcibly ravage her against her wishes and in the process, tore her clothes off and on raising of shrieks, the accused fled. When the complainant peeped out on the room, saw two other unknown boys standing outside who were accompanying the principal accused out of home, the petitioner-Vikram, has been subsequently named and was declared as proclaimed offender and apprehended on 08.07.2020.

Learned counsel for the petitioner *inter alia* contends that the petitioner is neither named in the FIR nor has been identified and it is only allegations of attempt to rape against the principal accused/non-applicant-Vikram who has since been acquitted by the learned Trial Court.

The learned State counsel with all fairness does not displace the facts so canvassed but opposed the bail.

Appreciating the submissions as has come across to this Court, keeping in view that the petitioner is neither identified, named in the FIR and more so, the primary allegations are against the principal accused. The petitioner is behind the bars and it would be travesty of justice to keep him for more time. In light of the present pandemic situation, necessitates allowing the present bail. However, to safeguard the interest of the State, the petitioner shall be released

on heavy bail bonds with two sureties in the like amount each to the satisfaction of the learned Trial Court.

Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

05.10.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No