

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

221 - CRM-M-25311-2020 (O&M)

Date of Decision: 03.09.2020

Murari

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Talim Hussain, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Murari who is stated to be aged 22 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.146 dated 31.08.2019 under Sections 363/376/506 IPC (Section 6 of POCSO Act, 2012 was added and Section 376 was deleted, later on), registered at PS Sohna, District Gurugram.

Learned counsel for the petitioner submits that a perusal of the FIR would show that it is a case of consent as at 2.00 am at night, it is not likely that the prosecutrix would come out of her house. He further submits that it is highly improbable that she would be taken at a place 100 meters away and she did not even make any noise to oppose the alleged act.

Learned State counsel, on instructions from SI Jitender Pal, submits that challan in this case was presented on 13.11.2019. There are a total of 14 witnesses and none have been examined till date. The charges were framed on 25.11.2019.

Counsel for the petitioner then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

03.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No