

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214 - CRM-M-26007-2020 (O&M)

Date of Decision: 09.09.2020

Shamsher

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. MK Garg, 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.

Petitioner – Shamsher, stated to be aged 29 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.78 dated 20.02.2019 under Section 346 IPC [later on as per the final report, the offences under Section 346/376(2)(n)/120-B IPC and Section 3(2)(v) of the SC & ST (Prevention of Atrocities) Act, 1989 were added], registered at PS Safidon, Jind.

Learned counsel for the petitioner submits that the petitioner was arrested on 12.03.2019. He submits that initially on 20.02.2019, an FIR No.78 was registered under Section 346 IPC. He submits that the girl, namely, Nishu had made a statement that she does not want to get herself medically examined. The medical examination report is attached as Annexure P4. He further submits that there are discrepancies in the statement recorded under Section 164 CrPC dated 11.03.2019 and the statement recorded on 20.01.2020 before the Court.

Learned State counsel, on instructions from ASI Reena Kumari, submits that the charges were framed on 22.07.2019. There are a total of 20 witnesses: 13 witnesses have been examined and 7 more still remain to be examined.

Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

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 as an expression on merits of the case.

09.09.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No