

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

CRM-M-26252-2020

Date of Decision: 03.12.2020

Sidharth @ Chhotu

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. V.P. Sangwan, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.24 dated 21.11.2019 registered under Sections 376 and 120-B IPC, 1860, at Police Station Women Police Station, District Charkhi Dadri. The petitioner is in custody since his arrest on 11.08.2020.

The above FIR was registered on the statement given by Deepika, which reads as under:

“I, Deepika, aged 20 years daughter of Satish Kumar, Caste Khati, and I am resident of Gali No.4, Vishal Nagar, Sonipat, Mobile No.8813920710, stated that I am resident of above said address and am taking coaching of SSC from Delhi. I became friend of Sidharth @ Chhotu on facebook and thereafter, we started talking on phone, he said to me that he is having good influence in the Govt. and he is having known persons in the Govt. Sidharth had stated that he will provide me job and to talk on this, he had called me to Dadri today and taken me from Bus stand in a vehicle along with his friend. He has taken me to a house near Janta College. After some time Ankit had gone and Sidharth had forcefully established physical relation with me. They have committed rape with me against my consent and thereafter dropped me at

bus stand and ran away. Thereafter, I narrated the same to my mother on phone and my mother had come to Dadri. I have recorded my statement with my own will. Above Sidharth had committed forceful rape upon me. Legal action be taken against him.”

Learned counsel for the petitioner contends that the complainant was previously known to the petitioner and was in relation with him with her own free consent. He submits that after registration of the FIR, the complainant had filed a petition bearing No. CRM-M-3694-2020 for transfer of investigation, wherein the reply dated 13.02.2020 (Annexure P-1) filed by State, clearly stated that after considering the statement of the victim under Section 164 Cr.P.C. and the other evidence, it was concluded that the relation between the two was without use of any force, and a cancellation report was prepared. He has argued that subsequently, the cancellation report was ignored and the petitioner was sent to face trial through report dated 05.10.2020. According to him, the investigation of the case is complete and, therefore, the further custody of the petitioner in the given facts may not be necessary. He prays for grant of bail during pendency of the trial.

On the other hand, the prayer is opposed by the learned counsel for the complainant on the ground that the consent was obtained by the petitioner on a false pretext of providing job to the victim. He contends that as per allegations, the offence of rape would be made out against the petitioner, therefore, according to him, the petitioner does not deserve the concession of regular bail.

At this stage, learned counsel for the petitioner has invited the attention of the Court to the mobile conversation (Annexure P-4) between

the complainant and petitioner and contended that the parties were willingly

in relationship with each other.

Learned State counsel, on instructions from Insp Brij Bala, has also opposed the prayer and referred to the reply dated 27.11.2020 by way of affidavit of Ram Singh, HPS, Deputy Superintendent of Police, Charkhi Dadri to contend that after transfer of the investigation, the final report has been prepared. He has submitted that the investigation of the case is complete and the final report stands filed, however, the case is yet to be committed to the Court of Sessions.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the petitioner is confined in judicial custody since his arrest on 11.08.2020 and the investigation of the case is complete. The trial is yet to commence and this Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial, therefore, this Court is of the opinion that the petitioner has made out a case for grant of regular bail, as his further detention may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

03.12.2020

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No