

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CRM-M-26367-2020

Date of decision: 10.09.2020

TEK SINGH

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent No. 1

Mr. Pardeep Chokar, Advocate
for respondents No. 2 and 3

ARUN KUMAR TYAGI, J. (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 16 dated 26.01.2020 under Sections 363, 366, 376(2)(n) and 506 of the Indian Penal Code, 1860 registered at Police Station Chhachrauli, District Yamuna Nagar.

The above said FIR was registered on statement of father of the prosecutrix who alleged kidnapping of the prosecutrix by the petitioner. On recovery, the prosecutrix made statement under Section 164 of the Cr.P.C. Implicating the petitioner for commission of rape upon her by the petitioner. The police investigated the case and on completion of investigation filed the challan against the petitioner.

The petitioner, who is in custody since 14.04.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel and learned Counsel for respondents No. 2 and 3. However, no reply has been filed on behalf of respondents.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondents No. 2 and 3 and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the the petitioner has been falsely implicated. The prosecutrix had accompanied the petitioner of her own will. The petitioner did not commit any offence. The complainant and the prosecutrix have also given affidavit exonerating the petitioner from commission of the subject offences. The trial is likely to take long time due to restrictions imposed to prevent the infection of Covid-19. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be ordered to be enlarged on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed rape of the prosecutrix. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant has admitted the genuineness of the affidavits executed by the complainant and the prosecutrix exonerating the petitioner from commission of the subject offences.

Keeping in view the facts and circumstances of the case including the affidavits given by the complainant and the prosecutrix and the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner deserves grant of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

10.09.2020
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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