

CRM-M No. 26310 of 2020

Date of decision : September 14, 2020

(Through Video Conferencing)

Sachin and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Naresh Kumar, Advocate
for the petitioners.

Mr. Apoorv Garg, DAG., Haryana

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners, in case FIR No. 575, dated 07.09.2019, under Section 365 IPC (later on added Sections 342, 363, 366, 376 IPC and Sections 6 & 17 of the POCSO Act, 2012), registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioners contends that petitioners have been falsely implicated in the instant case. He further contends that the only role attributed to the petitioners is that they kidnapped the victim and dropped her at an unknown place, where the main accused Madan committed rape upon her. He contends that the main accused Madan has since been extended the concession of regular bail on 05.08.2020 (Annexure P-2) by a co-ordinate Bench of this Court. He has further contended that the petitioners have been in custody since 9.4.2020 and 10.4.2020 respectively and only challan has been filed till date, hence there is no likelihood of the trial concluding in the near future. He, thus, prays for grant of regular bail.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioners on instructions from ASI Sukhan Pal, has not been able to controvert the factual aspect of the submissions made by the learned counsel for the petitioner.

Heard.

In view of the submissions made by learned counsel for the petitioners and keeping in view the fact that the petitioners have been in custody since 9.4.2020 and 10.4.2020 respectively and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioners. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioners are ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

September 14, 2020
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No