

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-27384-2020

Date of decision: 03.11.2020

Naseem

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Mazlish Khan, 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 restrictions due to outbreak of pandemic COVID-19.

Petitioner-Naseem, stated to be aged 25 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.09 dated 10.08.2014, registered under Sections 365, 368, 376-D & 34 of Indian Penal Code, at Police Station Bahin.

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner has been falsely implicated. He firstly submits that brother of the prosecutrix mentioned in his statement that prosecutrix was a married lady. Learned counsel then secondly contends that in her statement dated 08.10.2014, recorded under Section 164 Cr.P.C., the prosecutrix has mentioned that she got married to Jaffar (second marriage) on 12.08.2014. Learned counsel then thirdly mentions that in view of the above, the allegations in the

FIR dated 10.08.2014, are totally vague regarding the alleged incident dated 08.08.2014. Fourthly, learned counsel submits that in the present FIR of 2014, vide judgment dated 17.12.2015, the other co-accused have been acquitted. However, the petitioner was initially declared proclaimed offender and was ultimately arrested on 06.06.2020.

On instructions from HC Sunil Kumar, learned State counsel submits that after arrest of the petitioner on 06.06.2020, investigation has been completed. Supplementary challan has been submitted on 21.07.2020. He submits that after the supplementary challan, no witness has been examined.

Faced with the situation, learned counsel submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

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

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

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

03.11.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No