

CRM-M-28155-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28155-2020

Date of Decision: 30th September, 2020

Manoj @ Vinod

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. Bijender Dhankar, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.23, dated 09.06.2020, registered at Women Police Station Dabwali, District Sirsa, under Sections 323, 366, 376 (2) (n) and 34 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested on 04.07.2020 and is in custody since then. He asserts that it is a case of consent and the allegations made in the FIR are totally false. He further contends that had the petitioner or his daughters given any beating to the complainant, there would have been some injuries mark but none has been found on her person in the medical, which has been conducted after the registration of the FIR. It has further been asserted that because of the prevailing circumstance, the trial is not likely to be proceeded in near future and continuation of the petitioner in custody would not serve any purpose and thus, he be granted the concession of regular bail.

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On the other hand, learned counsel for the State submits that on a false assurance of marriage, sexual relations were developed by the petitioner with the complainant – prosecutrix. Having exploited her, he has refused to marry her and therefore, is not entitled to the concession of regular bail. On the basis of the medico legal report, counsel for the State acknowledges the fact that there is no external or internal injury found on the person of the complainant.

I have considered the submissions made by the learned counsel for the parties and keeping in view the allegations made in the FIR as also the medico legal report, according to which there is no external or internal injury found on the person of the prosecutrix, with the prevailing pandemic circumstances, where the Courts are working in restricted mode, continuation of the petitioner in custody would not serve any purpose especially when the trial is not proceeding and there is uncertainty as to when the physical hearing of the cases in Courts would start, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

30th September, 2020
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No