

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-29846 of 2020

Date of Decision: 25.11.2020

Lekhraj @ Kalu

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Vishal Thakur, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.95 dated 11.12.2019 under Sections 365, 376, 120-B, 354-A, 506 IPC and Sections 6 and 8 of the POCSO Act registered at Police Station Women, Palwal, District Palwal.

Learned counsel for the petitioner has argued that the alleged offence was committed on 08.10.2019 whereas the FIR in question was registered on 11.12.2019. The petitioner is in custody since 12.12.2019. He has argued that in fact, there is no allegation of commission of rape against the petitioner. The only allegation against the petitioner is that he

has clicked the photographs of the prosecutrix, while the other co-accused Lala Ram was committing rape upon her. He submits that the mobile phone of the petitioner has been recovered, but no such video/photographs were found.

Learned State counsel does not dispute the custody of the petitioner and the fact that there is no allegation of rape against the petitioner.

I have heard learned counsel for the parties.

Admittedly, the alleged offence was committed on 08.10.2019 and the FIR in question was registered on 11.12.2019. The allegation against the petitioner is that he has clicked the photographs of the prosecutrix, while the other co-accused Lala Ram was committing rape upon her. The mobile phone of the petitioner has been recovered. Considering the fact that the petitioner is in custody since 12.12.2019 and trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

November 25, 2020
AK

(**HARI PAL VERMA**)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No