

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

**CRM-M-30756-2020
Decided on : 15.12.2020**

Nagender

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Vinod S. Bhardwaj, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by SI Khem Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 169, dated 31.08.2019, under Section 346 IPC (later on added Sections 342, 328, 365, 376-D IPC), registered at Police Station Chhainsa, District Faridabad (Haryana).

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody since 30th September, 2019, has been falsely implicated in the instant case at the instance of husband of the prosecutrix. It has been submitted that a perusal of the FIR in question leaves no manner of doubt that the prosecutrix was in fact, a consenting party and had accompanied the petitioner of her own accord and thereafter lived with the petitioner for as long as a month. It has further been contended that as per the deposition of the prosecutrix before the trial Court though she had been allegedly taken away by the petitioner, strangely she had been moving from one place to another with the petitioner without even raising any alarm.

Learned counsel for the petitioner has further contended that the

three material witnesses i.e. prosecutrix, her husband and father have since been examined before the trial Court and there is no likelihood of the trial concluding anytime in the near future, as almost 18 prosecution witnesses remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Khem Singh, has submitted that there are serious allegations levelled against the petitioner and the delay in the conclusion of the trial has been on account of outbreak of pandemic COVID-19.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 15, 2020

J.Ram

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