

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

**CRM-M No.31003 of 2020 (O&M)
Date of Decision.02.11.2020
(Heard through VC)**

Yogesh Yadav

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular to the petitioner in FIR No.202 dated 29.10.2018 under Sections 376, 376(2) (n), 506, 34 IPC registered at Police Station Phase-1, District SAS Nagar, who is in custody since 18.01.2020.

Learned counsel for the petitioner herein would contend that the allegation as set out in the FIR are absolutely vague since no specific details regarding time and date of the alleged offence have been given. It is argued that offence complained of pertain to 2 ½ years prior in time. It is also submitted that there is no medical available on record to substantiate the plea of offence committed under Section 376 IPC. Apart from this, counsel for the petitioner has also laid stress on the fact that it was a consensual relationship, complainant being 37 years of age, while contending that even after the lodging of the FIR, she has been constantly visiting the petitioner in jail. He further relies upon the information obtained under RTI to substantiate this plea.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that the allegations of committing offence under Section 376 IPC have been levelled against the petitioner, however, he is not in a position to dispute the fact that there is an inordinate delay of two years in lodging of the FIR.

I have heard learned counsel for the parties and have perused the paper book.

Keeping in view the fact that the petitioner is in custody since 18.01.2020 and the matter has been investigated coupled with the fact that the trial is likely to take some time to conclude owing to *novel corona virus* pandemic, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)

JUDGE

November 02, 2020

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No