

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

203**CRM-M-31819-2020****Date of decision: 29.10.2020****Darshana****.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri****Present: Mr. Vijay Singh, Advocate for the petitioner.****Mr. Rajiv Goel, DAG, Haryana.***(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner – Darshana, stated to be aged 34 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.78 dated 20.02.2019 under Sections 376(2)(n)/120-B IPC and Section 3(2)(v) of the SC & ST (Prevention of Atrocities) Act, 1989, registered at PS Safidon, Jind.

At the outset, learned counsel for the petitioner submits that the co-accused, namely, Shamsher, has been granted regular bail by this Court vide order dated 09.09.2020 passed in CRM-M-26007-2020. Learned further submits that the petitioner was arrested on 06.04.2019. Learned counsel also submits that the petitioner has not been named in the FIR. He submits that initially on 20.02.2019, an FIR No.78 was registered under Section 346 IPC. He submits that the girl, namely, Nishu had made a

statement that she does not want to get herself medically examined. He further submits that there are discrepancies in the statement recorded under Section 164 CrPC dated 11.03.2019 and the statement recorded on 20.01.2020 before the Court.

Learned State counsel, on instructions from ASI Reena Kumari, submits that the charges were framed on 22.07.2019. There are a total of 20 witnesses: 13 witnesses have been examined and 7 more still remain to be examined.

Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to her life, therefore, petitioner may be granted concession of regular bail.

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

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

(GIRISH AGNIHOTRI)
JUDGE

29.10.2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No