

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-31870 of 2020 (O&M)
Date of decision : November 16, 2020

Sanjeev @ Sanju

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Kunal Dawar, Advocate, for the petitioner

Mr. Harsh Rekha Kapoor, AAG, Haryana

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Sanjeev @ Sanju has come up in this second regular bail application under Section 439 Cr.P.C. (the first one having been dismissed by this Court vide orders dated 25.9.2019).

The brief allegations against the petitioner and his accomplices non-applicants Monu, Rinku @ Dinesh and Devender are that in the month of December, 2018, the present petitioner

came across the prosecutrix and took her on motorcycle to a room where he along with his co-accused defiled her against her wishes and prepared her video during the act. On the basis of this, it is alleged that the accused had been blackmailing her and defiling her number of times leading to the registration of the present case.

Learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars since a long time and that the trial is not being concluded. It is submitted that the prosecutrix is grown up married lady and admittedly as per her stand and allegations have been offering her for this purpose over a long period of time and even the FIR has been registered after delay of more than three months.

Learned State counsel at the very outset has made statement that during the investigations, no truth could be found in the claim of the prosecutrix as to her obscene video having been prepared by the accused or anything in that direction. However, State counsel has stoutly opposed the bail on the ground of seriousness of the allegations and heinousness of the offence.

Be so as it may. It is the own case of the prosecutrix that she is a married lady and had been submitting herself to the accused over a long period of time. As is admitted by the State

counsel there is no semblance of evidence of her video/photographs in compromising position nor any medical evidence to support her case which was not brought to the notice of this Court earlier. The petitioner is behind the bars since a long time and the trial is not likely to be concluded in the near future in the light of ongoing COVID-19 pandemic and therefore, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

November 16, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No