

In virtual Court

CRM-M-32759-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32759-2020 (O&M)
Date of decision: 26.10.2020

Sajid

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Tushar Gautam, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.431 dated 31.10.2018 under Section 376-D IPC, registered at Police Station Hathin, District Palwal.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of 'S', aged about 20 years, on 29.10.2018, she along with her mother and younger sisters had gone to fields for plucking cotton and her mother and two sisters had gone for collecting the wood, whereas she was going home, when three boys, who were sitting under a tree, caught hold of her and committed rape and then fled away. One of the person

lost his mobile phone at the spot, she picked up the same and went to her mother and narrated the incident. On the next day, she along with her father Razak had gone to the police station, there a phone call was received, which was picked up by one Rashid and the person making the call told his name as Sajid (petitioner) that he has lost his phone on way to Ferozepur and thereafter, the petitioner was arrested.

Learned counsel for the petitioner further submits that the petitioner is in custody since 01.11.2018 and a period of about two years has lapsed and no identification parade was got conducted during the investigation. It is further submitted that only evidence against the petitioner is mobile phone, which is to be proved during the trial. It is also submitted that other accused Sahid was declared proclaimed offender and despite committing the case to the Court of Sessions, till date, no evidence has been recorded. Learned counsel has relied upon an affidavit given by the victim attested by the Notary Public and identified by her father Razak dated 05.10.2020, wherein she has stated that she got the present FIR registered under the influence of a third person, whereas the petitioner has no relations with the FIR and has no objection if the petitioner is granted bail.

Learned counsel for the complainant-victim has also acknowledged fact regarding the aforesaid affidavit.

Learned State counsel has relied upon the disclosure statement of petitioner Sajid dated 02.11.2019 and has opposed the prayer for bail.

Without commenting anything on merits of the case, considering all the facts and circumstances of the case and also in view of the fact that the

In virtual Court

CRM-M-32759-2020

-3-

petitioner is in custody for the last about two years; no evidence is recorded; prosecutrix has given an affidavit, in which her father has identified her and learned counsel representing her has also acknowledged about the affidavit that the petitioner was falsely implicated, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

26.10.2020

vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No