

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CRM-M-34083-2020**

DATE OF DECISION: NOVEMBER 2, 2020

DEEPAK @ NUNI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MS. PROMILA NAIN, ADVOCATE FOR THE PETITIONER.  
KANWAR SANJIV KUMAR, AAG, HARYANA.

**MANOJ BAJAJ, J.(ORAL)**

Petitioner Deepak @ Nuni has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0129 dated 13.4.2020, under Section 451, 497 IPC (Section 497 IPC deleted and Section 376, 506 IPC added later on), Police Station Murthal, Sonipat.

The FIR was registered on the statement of Sumit wherein it was alleged that he was married to Monika and they were blessed with three daughters. His wife was not on talking terms with him for the last 8 months, and her family was also informed and they assured that she would be alright. As per allegations, his wife used to restrain him to enter their room upstairs by threatening to commit suicide. On dated 12.4.2020, he found his uncle's son Deepak and Monika naked in a compromising position, and information was given to police and both of them were handed over to the police. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the victim is

closely related to the petitioner and is cousin of his wife. According to her, the offence punishable under Section 376 IPC was added subsequently upon the supplementary statement of victim who was not having good relations with her husband (complainant). Learned counsel has further contended that the concession of regular bail was extended to the petitioner vide order dated 24.4.2020 and upon addition of the offence, he has been arrested again on 21.7.2020. Learned counsel for the petitioner has invited the attention of the Court to the call details and chatting between the victim and the petitioner to contend that the alleged act was consensual and therefore, the further custody of the petitioner may not be justified. She has prayed for grant of regular bail to the petitioner during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Rajbir has opposed the aforesaid prayer. He contends that specific allegations have been made by the prosecutrix in her statement recorded under Section 164 Cr.P.C. However, it is not disputed that the earlier the petitioner was extended the concession of regular bail and was arrested subsequently on addition of offence punishable under Section 376 IPC. He, on instructions, states that the investigation is complete, but, the trial is yet to commence.

Considering the above background, this Court finds that the investigation of the case is complete and charges are yet to be framed. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 2, 2020  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No