

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

Sr. No.219

CRM-M-36917-2020

Date of decision: 12.11.2020

Mohan

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. T.K. Joshi, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.06 dated 09.01.2020 registered under
Sections 354-B, 376-D and 506 IPC at Police Station Sector-53, Gurugram.

Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in the present case; the prosecutrix while
appearing before the Trial Court as PW-1 has refused to identify the
petitioner as one of the persons who raped her; there is no other criminal
case in which the petitioner is involved; the petitioner has been in custody
since 09.01.2020 and that the petitioner's trial is not likely to conclude in the
near future especially in the present circumstances when the world is facing
the Covid-19 pandemic.

Learned State counsel while admitting the prosecutrix's turning
hostile before the Trial Court opposes the grant of bail on the ground that he

has committed a serious offences including rape.

The petitioner has been in custody since 09.01.2020; the prosecutrix while appearing before the Trial Court as PW-1 has refused to identify the petitioner as one of the persons who committed rape on her; even on being cross-examined by the State the prosecutrix has denied that the petitioner had threatened her or raped her; there is no other criminal case in which the petitioner is involved and the petitioner's trial is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurugram, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

November 12, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No