

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

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CRM-M-34121-2020 (O&M)

Date of decision: 17.11.2020

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Mohit Aneja, Advocate
for the applicant-petitioner.

Mr. Manish Dadwal, Asstt. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-28026-2020

For the reasons mentioned in the application, the same is allowed and copies of statement of the prosecutrix under Section 164 Code of Criminal Procedure, 1973 (for short, "the Cr.P.C."), statement of the prosecutrix at the time of medical examination and statement of the prosecutrix regarding not taking of any action against family members of the petitioner are taken on record as Annexures P-3 to P-5.

CRM-M-34121-2020

The petitioner has filed the present (first) petition under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No.65 dated 10.07.2020 registered under Sections 323, 34, 376 (2)(n) and 506 of the Indian Penal Code, 1860 (for short, 'the IPC') at Women Police Station, Panipat, District Panipat.

The above said FIR was registered on written complaint of prosecutrix. In her complaint, the prosecutrix alleged that she was known to accused-Amit (the Petitioner) for the last 3-4 years. She was having matrimonial dispute with her husband and accused Amit assured that he would secure divorce for her. Accused Amit thereby won her faith and committed rape upon her on several occasions. Accused Amit also took gold and silver jewellery and mobile phone from her. When she asked for return thereof he gave beatings to her. His brothers Pradeep and Binna and his sister Suman also gave beatings to her. When she gave complaint in the Police Station and the opposite party was called in the Women Police Station, Panipat, Pardeep took her to Panipat Court and obtained her signatures on some blank papers. She was called to their residence for compromise but she was beaten up there. She was asked to start living with Pardeep but she refused. She made complaint to the Police but instead of taking action the police pressurized her to compromise.

The petitioner, who is in custody since 14.07.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of reply filed by way of affidavit of Virender Singh, HPS, Deputy Superintendent of Police, City, Panipat in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The prosecutrix is

grown up married woman aged about 36 years and having two sons aged about 17 years and 14 years respectively. The petitioner was also aged about 16 years when the prosecutrix has claimed to have met him and developed physical relations with him. As per her own stand the prosecutrix was having relationship with the petitioner for about 3-4 years. The prosecutrix refused to get herself medically examined in support of allegations of rape. The allegations made in the FIR are general and vague as the requisite particulars regarding specific date and time have not been mentioned. In her statement under Section 164 of Cr.P.C. the prosecutrix did not make any allegation regarding rape. The prosecutrix also made statement that she did not want any action to be taken against other family members of the petitioner. Alleged offences are not made out against the petitioner. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having committed heinous offences. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the period of his custody and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend

the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.11.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No