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

**CRM-M No.34974 of 2020
Date of Decision: 01.12.2020**

ANILPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.34 dated 25.05.2020, registered under Sections 323, 376, 450, 506 IPC and Section 4 of POCSO Act at Police Station Women, Hisar.

As per prosecution case, the first occurrence took place on 08.05.2020, when the prosecutrix was alone in the house and the accused/petitioner committed the offence. Second time the occurrence took place on 10.05.2020, when prosecutrix started shouting for help and the petitioner started beating her. Petitioner left the house. The prosecutrix disclosed this

incidence to her mother, who conveyed the incidence to her father. When father of the prosecutrix enquired from the accused, the accused entered into quarrel with father of the prosecutrix. Prosecutrix dialed on number 100 and Police came to the spot. The police took the petitioner to Police Station, where brother of the petitioner, complainant and her mother also reached. Munish brother of the petitioner assured that marriage of the petitioner would be solemnized with the prosecutrix and the matter may not be escalated. Due to the aforesaid assurance, the complainant-party did not proceed with the case and agreed to the proposal in order to avoid social disgrace. The accused party did not honour the commitment and the petitioner left Hisar on the night of 12.05.2020. The FIR in question came to be registered on 25.05.2020.

Learned counsel for the petitioner submitted that as per statement of the prosecutrix under Section 164 Cr.P.C., the accused/petition did the wrong thing on 08.05.2020 and also tried to do the same thing on 10.05.2020, but the matter was compromised and no FIR was registered. The prosecutrix was on talking terms with the petitioner for the last one year. Marriage of the petitioner has already been solemnized with some different girl. Father of the prosecutrix as well the prosecutrix have executed affidavits on 21.08.2020 in the

context that they do not want to take any action against the petitioner and there is no fault of the petitioner.

Per contra, learned State counsel on instructions from ASI Rakesh opposed the bail on the ground that the delay in FIR has occasioned due to the assurance given by the brother of the petitioner in respect of marriage of the petitioner with the prosecutrix. When the said statement was not honoured, the FIR was registered. Petitioner is in custody since 13.07.2020.

At this stage, keeping in view the delay in lodging the FIR, without advertng to the merits of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

December 01, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No