

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

Sr. No.217

CRM-M-36812-2020

Date of decision: 12.11.2020

Manish @ Bobby

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anirudh Singh Shera, 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.88 dated 18.04.2020 registered under
Sections 376, 506, 204 IPC and 67 of I.T. Act, at Police Station DLF Phase-
I, Gurugram, District 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 submitted that the physical
relations between the petitioner and the prosecutrix were with consent and
free will of both parties; the husband of the petitioner while appearing
before the Trial Court as PW-2 has also not towed the line of the
prosecution; there is no other criminal case in which the petitioner is
involved; the petitioner has been in custody since 18.04.2020 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 admits to the period of incarceration of the petitioner as also the fact that both the prosecutrix and her husband, while appearing before the Trial Court, have turned hostile but opposes the grant of bail to the petitioner on the ground that he has committed serious offences including rape.

The petitioner has been in custody since 18.04.2020; the prosecutrix while appearing before the Trial Court as PW-1 has deposed that physical relations between the petitioner and herself were consensual; even the prosecutrix's husband while appearing before the Trial Court as PW-2 has not towed the line of the prosecution; 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