

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

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**CRM-21391-2020 in/and
CRM-M-51753-2019(O&M)
Date of Order:03.09.2020**

SATISH KUMAR

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagjit Gill, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conference on account of restricted functioning of the Courts.

With the consent of learned counsel for the parties, hearing of the bail application is pre-poned to today and taken up on Board for final disposal.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.103, dated 04.09.2019, registered under Section 498-A/ 376(2)(f)/323/506/34 IPC, at Police Station Women Police Station, Sirsa, District Sirsa.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Sirsa, in paragraph 2 of the order dated 30.10.2019 which is extracted as under:-

“2. According to the complaint of the complainant, her marriage was solemnized on 23.03.2011 with Gauri Shanker. One child was born out from this wedlock. Her

brother-in-law (Jeth) Satish Kumar kept an evil eye on her. Her husband Gauri Shanker, mother-in-law Darshna used to beat her. On 19.06.2019, all the family members had gone out of station. Her brother-in-law committed rape with her on that day when she went to serve him meal in his room at 2.30 PM. He further threatened to kill her as well her sick child in case she revealed that incident to anyone. Her in laws family members turned her out of the home alongwith the child born out of her previous marriage on 12.07.2019. On the above said facts the present case was registered.”

Learned counsel for the petitioner contends that except the statement of the prosecutrix there is no evidence corroborating the case of the prosecution. He further submits that the petitioner is in custody since 12.09.2019. He contends that there is a delay of approximately 2½ months in lodging of the FIR.

On the other hand, learned State counsel has submitted that the petitioner is involved in a heinous crime.

Keeping in view the facts of the case and without commenting on the merits of the case, this court is of the considered view that the petitioner has already suffered incarceration for a period of nearly one year.

Due restricted functioning of the courts on account to spread of the Novel corona virus, conclusion of the trial is likely to take time.

As per the information supplied by learned counsel for the State, the petitioner does not have any criminal antecedents.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 12.09.2019 and

conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

**September 03, 2020
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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No