

CRM-M-1712 of 2021

**220IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-1712 of 2021  
Date of decision: 21.01.2021

Vijay

.....Petitioner

vs.

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Pankaj Bali, Advocate, for the petitioner.  
Mr. A.K. Sehrawat, DAG, Haryana.

**DEEPAK SIBAL, J. (ORAL)**

Case taken up through video conferencing.

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks the grant of regular bail in FIR No.61 dated 06.10.2019 under Sections 376-D, 506 and 365 IPC registered at Police Station Nigdhu, Karnal.

Briefly stated, the petitioner is sought to be prosecuted for committing rape on the complainant.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the case; the prosecutrix while appearing before the Trial Court has categorically stated that she does not identify the petitioner to be one of the persons who raped her; even the prosecutrix's husband while appearing before the Trial Court has stated that the petitioner did not commit rape upon his wife; the aforesaid statements make the chances of petitioner's conviction extremely bleak; there is no medical evidence to support the prosecution's case; the

CRM-M-1712 of 2021

petitioner has been in custody since 07.10.2019; there is no other criminal case against the petitioner and the petitioner's trial is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has raped the prosecutrix.

The prosecutrix as also her husband while appearing before the Trial Court have categorically exonerated the petitioner of the charge against him; the petitioner has already been in custody for the last over one year and three months and the petitioner's trial is likely to take a long time to conclude 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, Karnal, 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.

**January 21, 2021**  
R.S.

**(Deepak Sibal)**  
**Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No