

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

CRM-M-4019-2021  
Decided on : 24.03.2021

Anil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Namit Khurana, Advocate  
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

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**Manjari Nehru Kaul, J.**

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.356 dated 26.09.2020 registered under Sections 328, 376(2)(N), 323, 506 IPC, 1860 and Section 3 of SC/ST Act at Police Station Ladwa District Kurukshetra.

Learned counsel for the petitioner inter alia contends that a perusal of the FIR in question, which was registered after almost one year of the alleged occurrence, leaves no manner of doubt that the petitioner has been falsely implicated in the case in hand on the basis of a totally fabricated version. He further contends that the FIR in question does not even spell out the dates when the prosecutrix was allegedly taken by the petitioner to various places and violated by him. He further submits that in fact the prosecutrix was a married woman with two children and it could not be digested that she would have been forced to go to a hotel and thereafter continuously raped by the petitioner. Learned counsel has also submitted that it clearly comes across to be consensual relationship between the parties

inasmuch as the prosecutrix had been signing the register of the hotels at

the time of check in where she was allegedly raped and had also been giving her aadhar card in support of her identity proof at the said hotels. It has also been contended that the petitioner is in custody since 15.10.2020 and only charges have been framed till date. Hence, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from W/SI Taro Devi submits that the delay in the trial has been on account of outbreak of pandemic. He however, has not been able to controvert the fact that the FIR in question is bereft of any specific dates and other material particularly as to when the prosecutrix was taken to different places and allegedly violated by the petitioner.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 15.10.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

24.03.2021  
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Whether speaking/reasoned:  
Whether reportable :

Yes/No  
Yes/No