

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(Through video conferencing)

CRM-M-8949-2021 (O&M)
Date of decision: 02.03.2021

Deepak Chaudhary

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Satpal Dhamija, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.301 dated 05.08.2020 registered under Sections 376, 377, 384, 420, 406, 506, 313 and 201 of Indian Penal Code (Sections 313, 377, 384 of IPC have been deleted and Section 376(2)(n) of IPC and Section 67 of IT Act have been added later on) at Police Station Sector 5, Gurugram.

Learned counsel for the petitioner contends that a false and fabricated case has been planted upon the petitioner which is evident from the fact that totally self contradictory statements have been made by the complainant at the time of registration of FIR and thereafter, when she

stepped into the witness-box as PW-1 before the Court below.

Learned counsel for the petitioner has invited attention of this Court to Annexure P-3 which is a copy of the cross examination of the prosecutrix. Learned counsel for the petitioner has contended that on the one hand, the complainant alleged that she was violated by the petitioner on the evening of 28th of October, 2019 at her home subsequent to the petitioner getting engaged to her, however, in her cross-examination, the complainant admitted that ever since 09.02.2017, the complainant and the petitioner had been spending time together by booking themselves into single rooms of various hotels in Dehradun, Musoorie and Gurugram and the said rooms had been booked by none other than the prosecutrix herself.

Learned counsel has further submitted that the petitioner has been in custody since 09.08.2020 and the prosecutrix who is a material witness has since been examined, hence, there is no likelihood of the evidence being tampered with by the petitioner.

Per contra learned State counsel while opposing the prayer made by learned counsel for the petitioner on instructions from ASI Ashok Kumar has apprised this Court that 7 prosecution witnesses out of 12 cited including the prosecutrix have been examined till now.

Heard.

Keeping in view the fact that the petitioner has been in custody since 09.08.2020 and due to the outbreak of the pandemic Covid-19, the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the

petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

02.03.2021
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No