

219

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.10001 of 2021 (O&M)

Date of decision: 28.04.2021

Anuj Sharma

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. A.S. Narwal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM-12707-2021

Heard.

Allowed as prayed for.

Document (Annexure P-1) is taken on record subject to all
just exceptions.

CRM-M-10001-2021

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.0064 dated 05.08.2020, for offence
punishable under Sections 376 of the Indian Penal Code, 1860 (in short
'IPC') and 67(A) of the Information Technology Act, 2000, registered at
Women Police Station, Panchkula District Panchkula.

Counsel for the petitioner has submitted that the FIR was
registered at the instance of the victim (name not disclosed) with the
allegations that on 03.12.2019 when she visited her sister's house, the

CASE HEARD THROUGH VIDEO CONFERENCING

petitioner who is brother-in-law of the victim, committed rape upon her.

Counsel for the petitioner has further submitted that the FIR has been registered on 05.08.2020 after a gap of about 06 months from the date of the alleged incident. It is also submitted that now the victim has been examined before the trial Court, who has appeared as PW-2 wherein she has stated that she is a married lady and her sister Poonam is married to the petitioner – Anuj Sharma. She had a minor argument with the petitioner and nothing else has happened and he has not committed any wrong with her.

Thereafter, on request of the Public Prosecutor, the said witness was declared hostile and he was granted permission to cross-examine the witness. In her cross-examination, she has stated that the complaint given to the police Ex.P-2 bears her signatures but she is an illiterate and is not aware about the contents of the same. She further denied the suggestion that she has signed Ex.P-2, after going through the contents of the same. She further stated that her statement under Section 164 Cr.P.C. was recorded under pressure and threat by the police and further stated that the petitioner has not made any obscene video of the alleged incident.

Counsel for the petitioner has further argued that in view of the fact that the complainant has not supported the prosecution version, the petitioner may be granted the concession of regular bail as he is in custody since 05.08.2020.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

CASE HEARD THROUGH VIDEO CONFERENCING

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 05.08.2020; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

28.04.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No