

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

-.-

**CRM-M-15268-2021 (O&M)
Date of decision : 20.04.2021**

Prayagraj

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Punit Malik, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.22 dated 17.03.2020 under Sections 376-D, 34, 120-B of the Indian Penal Code, 1860 ('IPC' for short) registered at Women Police Station, Manesar, Gurgaon.

Learned counsel for the petitioner would contend that after the withdrawal of the last petition, similarly situated co-accused have been granted bail by this Court in CRM-M-42672 of 2020 vide order dated 16.03.2021. Learned counsel for the petitioner would further contend that the petitioner is similarly situated inasmuch as no overt act was attributed to the petitioner. He has further stated that as in the case of Amit and Mahesh, the petitioners in CRM-42672 of 2020, there are no allegations that the

petitioner in the present case had committed rape upon the Prosecutrix. Rather, the allegations are that they along with main accused Sourabh and Yogesh @ Golu had consumed liquor while rape was committed by Sourabh and Yogesh @ Golu. The Prosecutrix has since been examined and she has not supported the prosecution story and has been declared a hostile witness. Even in the cross-examination by the Public Prosecutor nothing incriminating could be elicited from her.

Learned State counsel on instructions from ASI Rashmi is not in a position to deny that the similarly situated co-accused have since been granted bail by this Court. It is further stated that there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

In view of the above and especially keeping in view the fact that the petitioner is a young boy of 20 years age who has been in custody since 27.05.2020 and further the fact that similarly situated co-accused have been granted bail by this Court as also the fact that the trial is likely to take some time especially in view of the second surge in COVID-19 Pandemic, I deem this to be a fit case to grant the concession of regular bail to the petitioner on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

April 20, 2021

(ALKA SARIN)
JUDGE

tripti

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No