

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16815-2021

DATE OF DECISION: APRIL 28, 2021

APPU KUMAR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PUNEET KAKKAR, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.472 dated 5.11.2020 dated 376, 452, 506 IPC, Police Station Dabua, Faridabad. The petitioner is in custody since his arrest on 2.2.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fast Track Court, Faridabad, in the order dated 25.2.2021, are as under:-

“The present case was registered on the basis of made by the (name withheld to protect her identity) alleging there in that on 17.2.2020 at about 1.00 p.m. accused forcibly committed rape upon her against her wishes and also extended threat to her that in case she would disclose the incident to anyone then he would ruin the house of her sister. Accused also extended threat to the prosecutrix that he would upload her nude video on the social media. Prayer has been made for taking legal action against the accused.”

Learned counsel for the petitioner has argued that the alleged occurrence took place on 17.2.2020, whereas the FIR was lodged in November, 2020, after a long delay of nine months. It is pointed out that the victim is the sister-in-law of the petitioner who has falsely implicated him. He submits that the investigation of the case is complete, however, the trial is yet to commence and as the conclusion of the trial will take some time, therefore, he prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Uday Pal has opposed the aforesaid prayer on the ground that the petitioner is related to the victim and is married to her real sister. He submits that the petitioner visited the house of his in-laws and committed the alleged crime. Learned counsel, on instructions, states that after completion of investigation, the charges have been framed, but the trial is yet to commence.

After considering the above background, this Court is of the opinion that though the charges have been framed by the trial Court, but the trial is yet to commence and there is no possibility of its conclusion in near future. The material witnesses are either the complainant herself or the police officials and there does not seem to be any possibility of their being won over. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the state governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar

nature. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 2.2.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

April 28, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No