

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

220

**CRM-M-17898-2020
Date of decision: 11.01.2021**

Sanjay KumarPetitioner
Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent No.1-State.

None for the respondent No.2-complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 0178 dated 27.09.2019 registered under Sections 34, 376-D and 506 of the IPC (for short 'the IPC') at Women Police Station Ballabhgarh, District Faridabad from which Section 34 and 376-D of the IPC were deleted and to which Section 376 of the IPC was added later on.

The petitioner, who is in custody since 05.02.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by respondent No.1-State in terms of reply filed by way of affidavit of Jaipal, HPS, Assistant

Commissioner of Police, CAW, Faridabad.

I have heard learned counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner is an innocent person who has been falsely implicated in the FIR registered on the statement of the prosecutrix. The alleged incident took place on 07.06.2019 but the FIR was lodged after undue and unexplained delay of more than three months on 27.09.2019. The version given in the FIR and in the statement of the prosecutrix under Section 164 of the Cr. P.C. are contradictory. The prosecutrix is aged about 29 years and as per her own version, she kept silent for more than three months without any reasonable explanation. The medical examination of the prosecutrix was conducted on 29.09.2019 and nothing came out in the Medico-Legal Report. On investigation, the other unknown person and the lady implicated by the prosecutrix were found to be innocent and were exonerated by the police. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having committed heinous offences. In view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the above referred facts and circumstances of

the case, nature of accusation and evidence against the petitioner, the period of his custody and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.01.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No