

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.22482 of 2021 (O&M)

Date of Decision:29.06.2021

(Heard through VC)

Parmod Pappinissery

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Paramjeet Phor, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.13 dated 14.01.2021 registered under Sections 376 (2) (N), 506 IPC at Police Station DLF PH-I, Gurugram.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter, as the allegations under Section 376 IPC are not borne out. The petitioner and the complainant were in consensual physical relationship, which would be evident from the affidavit dated 19.05.2021 that she has sworn in. It is further argued that the matter stands investigated and the challan has been presented and therefore, custody of the petitioner would not longer be required.

Learned counsel appearing on behalf of the respondent-State

opposes grant of bail to the petitioner by contending that allegations in the said FIR are serious and the petitioner herein is in custody for an offence under Sections 376 (2)(N) and 506 IPC and therefore, would not be entitled to the concession of regular bail.

At this stage, appearance has been caused on behalf of the complainant and the counsel appearing for the complainant would submit that the complainant would have no objection in case regular bail is allowed to the petitioner as the misunderstanding with the petitioner stands resolved.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the complainant has no objection in case regular bail is granted to the petitioner coupled with the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

June 29, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No