

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

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CRM-M-22475-2021

Decided on : 23.06.2021

Manjeet

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sanjay Vashisth, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG, Haryana.

Mr. Anshuman Dalal, Advocate
for the complainant.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present petition filed under Section 439 Cr.P.C., seeks concession of regular bail in FIR No.19 dated 06.03.2021 under Sections 323, 354A, 376 (2) (n), 406, 506, 120-B IPC (challaned under Section 201 IPC also) registered at Women Police Station Bhiwani, District Bhiwani.

Counsel for the petitioner has referred to the contents of the FIR and the statement of the complainant-Seema recorded under Section 164 Cr.P.C. (Annexure P-4), to submit that the FIR was lodged in March, 2021, whereas there is constant contact as such inter se the complainant and the petitioner since February, 2020. It is, accordingly, argued that it is a case of consent as such, as the petitioner and the complainant were working at a common place and were well known to each other. It is the contention of the counsel that the relationship as such has got soured thereafter, on account of which the FIR has been lodged. By placing reliance upon the photographs (Annexure P-6), it is further pointed out that parties also visited Chandigarh on their own and stayed there overnight. It is, thus, submitted that no useful purpose will be served by keeping the petitioner in custody, since the investigation is complete.

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Counsel for the complainant has vehemently opposed the grant of bail on the ground that the accused would pressurize the prosecutrix not to depose against him.

It is to be noticed that the complainant is working as a Staff Nurse in Civil Hospital, Bhiwani and, therefore, it is not that she would be prone to coercion as she is a mature person. On mere apprehension as such of the said allegation, the petitioner cannot be denied the benefit of bail, as the trial is likely to take sometime, keeping in view the pandemic Covid-19. The MLR which was conducted on 07.03.2021 (Annexure P-3) also refers to the incident which had taken place 7 months back and, thus, also does not depict any injury as such on the person of the complainant.

In the facts and circumstances, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in further detention. Accordingly, the present petition is allowed. The petitioner shall be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

June 23, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No