

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

CRM-M No.25882 of 2021 (O&M)

Date of Decision:13.07.2021

(Heard through VC)

Shiv Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.279 dated 25.07.2020 registered under Section 346 IPC, which was deleted later on and Sections 323, 363, 366A, 376(2) (n) IPC and Section 6 of the POCSO Act were added at Police Station Matlauda, Panipat.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated under the said FIR, as is evident from the statement recorded by the prosecutrix before the trial Court wherein she categorically stated that petitioner herein had not committed rape upon her. The petitioner is in custody since 08.09.2020. The trial is likely to take some time to conclude and therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are

serious in nature, however, he does not dispute the fact that statement of the prosecutrix has been recorded before the trial Court wherein she did not support the prosecution version.

I have heard learned counsel for the parties. Keeping in view the fact that statement of the prosecutrix has been recorded wherein she did not support the case of prosecution and 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.

July 13, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No