

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.18991 of 2020 (O&M)

Date of Decision: January 08, 2021

Naresh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, 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.102 dated 05.05.2020, under Sections 323, 341, 376, 452 and 506 IPC, 1860, registered at Police Station, Ateli, District Mahendergarh. The petitioner is in custody since his arrest on 06.05.2020.

The above FIR was registered on the statement of Sunita, wherein it was alleged that on 02.05.2020, when her husband woke up at 10.30 p.m., he saw Naresh son of Raghbir sitting in the stairs and when her husband was going to him, he ran away. Her husband and father-in-law chased him, but the said person managed to escape. On 04.05.2020, her husband received a call from Naresh' phone, who threatened her husband and asked him to allow him to talk to Sunita. As per allegations, Naresh used to come to the house of the complainant in the absence of her husband, and took her naked photographs and used to make physical relations with

her forcibly by putting her under the threat. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 18.11.2020, whereby it was observed that the material prosecution witnesses be examined. He contends that in compliance of the order dated 18.11.2020, the prosecution has examined two material witnesses including the prosecutrix and their testimony is appended with the Misc.Application as Annexures R-1 and R-2. He has further invited the attention of the Court to the said statements of the witnesses to contend that the witnesses have not supported the prosecution case and were declared hostile. He prays that the petitioner be released on bail, during the pendency of the trial.

On the other hand, learned State counsel, on instructions from ASI Shakuntla, does not dispute this fact and states that the complainant and her husband have been declared as hostile witnesses. According to the learned State counsel, still fourteen prosecution witnesses remain to be examined.

After hearing the learned counsel for the parties and considering the custody period of the petitioner, this Court does not find any reason to decline the prayer, particularly when the trial is likely to consume considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region and, therefore, the further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,
Mahendergarh.

January 08, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No