

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

228

**CRM-M-23411-2021 (O&M)
Decided on : 30.06.2021**

Ajit Mishra

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ankur Lal, Advocate
for the petitioner(s).

Ms. Vibha Tiwari, AAG, Haryana
assisted by ASI Rekha.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 34, dated 30.01.2021, under Section 376 IPC, registered at Police Station DLF, Phase-III, Gurugram, Haryana.

Learned counsel for the petitioner *inter alia* submits that the petitioner and the prosecutrix were in a consensual relationship and the FIR in question was got registered on account of some misunderstanding between them. Learned counsel has invited the attention of this Court to a duly sworn-in affidavit dated 28.05.2021, of the prosecutrix, annexed as Anneuxre P-2 along with the present petition, wherein, she has categorically stated that in a fit of rage, she had levelled the allegations of rape against the petitioner. Learned counsel further submits that the petitioner has been in custody since 28.02.2021 and only challan has been presented till date, hence, there is no likelihood of the trial concluding anytime in the near

future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Rekha, has apprised the Court that charges are likely to be framed on the next date of hearing. However, the submissions made by the learned counsel for the petitioner with respect to the duly sworn-in affidavit (Annexure P-2) of the prosecutrix, have gone un-controverted by the learned State counsel.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 28.02.2021, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 30, 2021

J.Ram

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