

**233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-27768-2021
Decided on : 22.07.2021

Rajpal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ramesh Sharma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.118 dated 16.11.2020 registered under Section 376(2) (N) IPC,1860 at Police Station Women MANesar District Gurugram.

Learned counsel for the petitioner inter alia contends that alleged occurrence in question took place on 20.10.2020 and FIR was registered after almost a month alleging therein that the petitioner after luring the prosecutrix to his house had raped and violated her modesty on the pretext of performing marriage. However, soon thereafter he disappeared and did not even receive the telephone calls of the prosecutrix. He submits that in fact both the parties were well acquainted with each other. It has also been submitted that a perusal of the FIR in question is indicative of it being a consensual relationship between two adults. He further submits that the allegations levelled of forcible rape would be a subject matter to be decided as and when the evidence is led before the trial

Court. Hence, a prayer has therefore been made to extend the concession of bail to the petitioner as he has been in custody since 17.11.2020 and the prosecution evidence is yet to commence.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from LASI Reena has submitted that the delay in conclusion of the trial has been on account of the outbreak of pandemic. She submits that the prosecution evidence is likely to commence on 09.08.2021.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 17.11.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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

22.07.2021

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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No