

CRR-1154 of 2020

**229IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-1154 of 2020
Date of decision: 21.01.2021

Sidharth alias Vijay

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present revision the petitioner has challenged the order of the learned Additional Sessions Judge, Karnal, affirming the order of the Juvenile Justice Board, Karnal, whereby bail application of the petitioner in FIR No.61 dated 06.10.2019 under Sections 376-D, 506 and 365 IPC registered at Police Station Nigdhu, Karnal, was dismissed.

Briefly stated, the petitioner is sought to be prosecuted for committing rape on the complainant.

Learned counsel for the petitioner submitted that the petitioner, who is a young boy of 18 years, has been falsely implicated in the case;

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the prosecutrix while appearing before the Trial Court has categorically stated that she does not identify the petitioner to be one of the persons who raped her; even the prosecutrix's husband while appearing before the Trial Court has stated that the petitioner did not commit rape upon his wife; the aforesaid statements make the chances of petitioner's conviction extremely bleak; there is no medical evidence to support the prosecution's case; the petitioner has been in custody since 07.10.2019; there is no other criminal case against the petitioner and the petitioner's trial is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has raped the prosecutrix.

The prosecutrix as also her husband while appearing before the Trial Court have categorically exonerated the petitioner of the charge against him; the petitioner has already been in custody for the last over one year and three months and the petitioner's trial is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Karnal, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present revision petition and the

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same would not be construed to be an expression of opinion on the merits of the case.

Disposed of.

January 21, 2021
R.S.

(Deepak Sibal)
Judge

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